

HUNGARY

2022 Parliamentary Election Report

MAY 2022



Foreword

On 3rd April 2022, Hungarians went to the polls to vote in the parliamentary elections, as well as on a referendum regarding LGBTQ+ education in schools. 199 members were elected for the Hungarian parliament: the National Assembly. As results came in during the night, and it was clear that Fidesz would maintain the majority in parliament. Moreover, the far-right party Our Homeland Movement also entered parliament.

For the past decade, Hungary has been suffering from a democratic backsliding, and many concerns have been raised about the state of democracy in the country, as a result of a systematic attack on political life and civil society by the government. A fact described in the Freedom House's latest report, which deemed Hungary to be "partly free" (2021).

During this election, Silba sent a number of volunteers on an election observation mission with the aim of observing the electoral process in Hungary. Thus, Silba found itself in a context where politics were polarised to such an extent that even being a non-partisan organisation was perceived as a political statement, and NGOs were careful to work together publicly, at the risk of being accused of guilt by association.

In total, the Hungarian civil society fielded over 20.000 election observers within the legal framework of the country, who were joined by several international election observer organisations to observe the election. The most famous of these would be the Organisation for Security and Cooperation in Europe (OSCE), which deployed 200 observers to the country. In comparison, the OSCE sought to send 500 observers to the Russian election in 2021.

Silba's mission was unique in the sense that we sent teams to observe the Hungarian election outside the country, in Romania and Serbia. A similar mission was planned in the Ukrainian borderlands, but this was cancelled due to the war. As will be apparent in this report, while there were numerous concerning reports provided by observers, the consulate in Romania stood out and stretched the electoral law of Hungary, which is already deeply flawed, to its limits.

This report will outline the current democratic situation in Hungary, as well as the findings from our observations. While we noted a number of irregularities regarding the electoral process, such as faulty ballot boxes, a lack of accountability for absentee voting and no protection of the secrecy of the vote, the main concern was that the legal framework does not uphold to normative democratic standards. Instead, the election legislation allows for activities such as voter tourism and vote buying.

Niels Søndergaard & Maja Soomägi

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Hungary

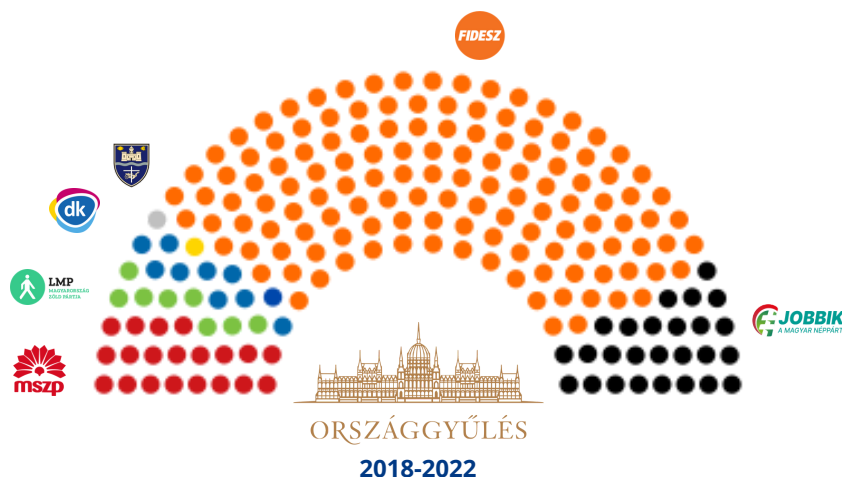
Hungary is a landlocked country located in Central Europe. It has a population of almost 10 million people. The official language is Hungarian. The country borders Slovakia, Ukraine, Romania, Serbia, Croatia, Slovenia and Austria.



In 1999, Hungary became a NATO member, and in 2004 of the European Union (EU). Within the confines of the EU, Hungary has also tried to cooperate formally with Czechia, Slovakia and Poland in the Visegrád Group, commonly abbreviated to the V4. While initial cooperation was good between Poland and Hungary, the recent conflict in Ukraine has put a wedge in their cooperation, and the future of the project is, thus, unclear.

Hungary is a unitary parliamentary republic. The main power lies in the hands of the National Assembly, which appoints the President and the Prime Minister. The role of the President is primarily ceremonial. Currently the President is János Áder, who will be succeeded by Katalin Novák in May 2022. The Prime Minister is Viktor Orbán.

The National Assembly has 199 members, which are elected through general elections every four years. 106 of these seats are constituency seats, and the remaining 93 seats are distributed from national lists. The electoral system is a mixed system, the constituency seats are elected on a first-past-the-post basis, while the national lists are determined proportionally. The latter also take the surplus from the constituency votes into account.



The threshold to enter parliament lies at 5% of the votes, unless it is a minority party as they are exempt from the threshold. The parliament is elected based on two lists. Voters residing in Hungary may vote both for a constituency seat and on party lists, while Hungarians residing outside Hungary's borders may only vote in the latter.

Parties & Coalitions



FIDESZ

Fidesz, the governing party in Hungary, is currently led by Viktor Orbán. It is a right-wing populist and national-conservative party. It was first in government 1998-2002 but then lost some of its success, until the election in 2010 after which they have been in power since. In the last election in 2018, they received 42 seats based on party lists and 91 seats based on the constituency votes.

Elections | 2018 49.27% | **2022** 54.13%



UNITED FOR HUNGARY

United for Hungary is a coalition of six parties: Jobbik, MSZP (Hungarian Socialist Party), Dialogue for Hungary, DK (Democratic Koalition), LMP (Hungary's Green Party) and Momentum. They ran together in the 2022 election, and they span through large parts of the political spectrum in Hungary. However, their programme was released very late, as well as their candidates list, which points to division within the united opposition (Gosling, 2022a). The prime minister candidate for the opposition was Péter Márki-Zay, an independent politician who is currently the mayor of Hódmezővásárhely, in southern Hungary.

Elections | 2022 34.44%



JOBBIK

Founded in 2003 by university students. In 2009 the party received 14.77% of votes in the European Parliament elections. The parliamentary elections in 2010 placed Jobbik as the third largest party with 16.67% of votes. It has in recent years moved from a far-right extremist position to a centre-right position. Nowadays, the party has adapted a pro-EU stance, and has left behind its past of burning EU flags.

Elections | 2018 19.06%



MSZP | HUNGARIAN SOCIALIST PARTY

The party has been part of Hungarian politics since the beginning of the democratisation process in 1989. It is centre-left and pro-European. Up until the financial crisis in 2008, it was one of the main parties in Hungarian politics, but has since lost a large part of its support.

Elections | 2018 11.31%*

*The Hungarian Socialist Party ran together with Dialogue for Democracy party (next page) in the 2018 election. Their result is, thus, showed together.



LMP | HUNGARY'S GREEN PARTY

A green-liberal party founded in 2009. It holds seats both in the National Assembly, and in the EU Parliament. While initially focussing on primarily environmental issues, they moved to a stronger focus on democracy related issues for the 2018 elections.

Elections | 2018 7.06%



DIALOGUE FOR HUNGARY

A green party founded in 2013 by members from LMP, after a split occurred over the issue whether to join a wavering opposition alliance.

Elections | 2018 11.31%*



DK | DEMOCRATIC COALITION

A social-liberal party, led by former Prime Minister Ferenc Gyurcsány. It was founded in 2010 as a faction within the MSZP, and became a separate party in 2011.

Elections | 2018 5.38%



MOMENTUM

A centrist party founded in 2015. It became an official political party in 2017. Momentum has positioned itself as an attractive party to young voters, who have grown up in a post-1989 Hungary.

Elections | 2018 3.06%



MKKP | HUNGARIAN TWO-TAILED DOG PARTY

MKKP is a joke party, founded in 2006 and registered as an official party in 2014. It had been polling around 2-4% in the time leading up to the election. Ahead of the election, they had released a report focusing on the public procurement system, and promised that if they got into parliament they would concentrate on anti-corruption.

Elections | 2018 1.73% | **2022** 3.27%



OUR HOMELAND MOVEMENT

Our Homeland Movement is a far-right party founded by Jobbik dissidents that chose to leave the party as it moved away from its radical origins. It was founded in 2018, and the 2022 election was the first time that they ran in the Hungarian parliamentary elections. However, in the 2019 local elections the party managed to win 8 seats. The party is strongly opposed to LGBTQ+ rights and also supports the introduction of the death penalty.

Elections | 2022 5.88%



NATIONAL SELF-GOVERNMENT OF GERMANS IN HUNGARY

The National Self-Government of Germans in Hungary, or MNOÖ (in Hungarian), was founded in 1995. It is led by Ibolya Hock-Englender. One of their main policies is to implement a minority policy in Hungary, which protects the linguistic and historical heritage of Germans in Hungary, especially in regards to the education system.

Elections | 2018 0.56% | **2022** 0.44%

Electoral Law

AMENDMENTS

Following Fidesz's electoral victory in 2010, a new constitution 'Fundamental Law of Hungary', was introduced in 2012, as well as amendments to the electoral law. These amendments were passed with 262 votes in favour, 44 against and one abstention (Breitenbach and Levits, 2011). With the adoption of the new constitution, any proposed amendments are required to receive 2/3 of the votes in the National Assembly, for the change to be ratified. Although, the amendments undermine the democratic process, and create a setting in which any party hoping to challenge the governing party will have to gain a sizeable majority of votes in an election, in order to have a chance to gain enough seats in the parliament to reverse the amendments made to the constitution.

Another change to the electoral law was the addition of the possibility for ethnic Hungarians who have a permanent residence in neighbouring countries to vote on the proportional list, which resulted in more than 800.000 new potential voters.

These voters overwhelmingly support Fidesz, with 95% of them voting for them in 2014, and 96% in 2018 (Gábor, 2018).

The number of members of parliament has also been changed, from 398 in total to 199 with the constitution change.

The current system disproportionately favours the largest party, with the biggest geographical reach, which thus far has been the ruling party. In part due to a re-drawing of the constituency districts.

In the 2014 election, Fidesz won 66.8% of the seats with 45% of the votes, while in the 2018 election it was slightly less disproportional with 67.3% of the seats based on 49% of the votes (Terry, 2018).

It is important to note that this creates a situation where a party may win a considerable number of votes in the country, yet not gain a proportional number of seats in parliament, due to the ratio of representation between urban and rural voters being skewed (The Economist, 2022).

The amendments introduced in 2012 make it so any party needs to gain a sizeable majority in order to reverse them

VOTER TOURISM

In November 2021, the parliament adopted another amendment, which essentially legalised voter tourism.

Voter tourism means that a voter registers and votes in an area where they do not normally reside. This is often used in order to affect the outcome in constituencies where the result of the vote is close.

The current electoral law allows for the voter to have a different official residency as the residency they provide in the voter registry.

Instead, the only requirement for voters is to supply an address for the purpose of contacting the voter for official communication, which creates a possibility to register an address which is not the actual residency of the voter (European Platform for Democratic Elections, 2021).

SECRECY OF THE VOTE

Another change introduced to the electoral law was the legalisation of vote buying by omission.

This can be seen in how it is not illegal to photograph your own ballot, as well as it is not included in any law the protection of the secrecy of the vote.

Thus, this makes the possibility for vote buying an issue. The phenomenon of vote buying is seen as an insignificant issue, since the secrecy of the vote prevents the verification of the purchase.

With the current Hungarian electoral law, voters are bereft the secrecy of the vote.

COMPLAINT PROCESS

Complaints can be submitted up to three days after the election day, and three days to receive a decision. Any citizen or legal entity can file a complaint.

There has been a continuous decrease of the rights citizens and entities hold to make a complaint.

In 2018, appeals became more limited. In 2019, a new amendment imposed that appeals were no longer a matter for regional courts, and would be directly submitted to the Supreme Court, which in turn can then be reappealed to the Constitutional Court.

The ODIHR (Office for Democratic Institutions and Human Rights) recommended that a public hearing be instituted on the process of the complaints.

However, the recommendation has not been granted for any level of the complaint process.

Furthermore, the OSCE (2022a) has highlighted critical concerns on the handling of election complaints as the commissions appointed to handling complaints have had a majority of people appointed by the ruling party. This has been noted as particularly worrisome in regards to judicial independence.

RIGHTS OF OBSERVERS

Observers are present at elections in order to observe any irregularities either before, during or after election day. They are to be invited by the country in which the election is taking place, and receive their accreditation in time.

According to the Venice Commission (2009), observers have the right to access necessary documents upon request, and speak to any key members of the electoral process, as well as do their observations without interference. Observers in turn, have the duty to follow the laws of the country and not interfere in the electoral process.

Moreover, according to the Hungarian Act XXXVI of 2013 on the Electoral Procedure, the international guidance is implemented in §4, where it is stated that international observers are allowed to follow the entire election process, as well as request copies of documents and ask questions of the electoral bodies.

Key Developments

STATUS & MEDIA LAWS

An important moment in Hungarian history, and which is still a key feature of the collective memory is the Treaty of Trianon in 1920. The treaty resulted in Hungary losing large parts of its territory to the neighbouring countries. This has led to a large Hungarian diaspora residing in the nearby countries, particularly in Romania and Slovakia (Czergő and Goldgeier, 2013).

Since coming to power, Fidesz has in different ways worked towards promoting the Hungarian diaspora's inclusion in Hungarian politics, as well as to provide benefits to Hungarian kin.

These benefits include access to language education, the Hungarian labour market and the social-welfare system. Since 2010, it is possible and relatively easy for ethnic Hungarians not resident in Hungary to obtain Hungarian citizenship.

These laws have been implemented at the expense of relationships with the neighbouring countries, and have also resulted in the involvement of the European Commission for Democracy through Law, commonly known as the Venice Commission.

Nevertheless, they have gone ahead and in the past few elections, the Hungarian diaspora with citizenship have been able to vote in the national elections, and Fidesz generally tends to have the support of the diaspora in the neighbouring countries.

The Media Landscapes organisation, created by the European Union and the Dutch ministry for Culture, finds that the majority of media sources are favourable to the Fidesz party (Bajomy-Lazar, no date).

Among the independent media, it names only one real independent tv-channel: RTL Klub. While several channels take a conservative and religious narrative, that is slightly critical of the government, the rest are pro-government.

Most notably is that besides television, most of the local newspapers are owned by or affiliated to the government.

The largest independent news media are on news websites, where investigative journalism is often found, and which cover

The Hungarian diaspora in the neighbouring countries, has generally voted for Fidesz

corruption and other scandals in the country. However, it should be noted that these revelations seem to have little overall weight on the national media landscape (Bajomy-Lazar, no date).

LAST ELECTION

The last parliamentary election in Hungary was held in 2018. Both Silba and OSCE sent international observers to the election.

Some of the issues raised included an overlap between the state and the ruling party's resources, as well as intimidating and xenophobic rhetoric, and media bias which in turn created an unfair playing field for the candidates (OSCE, 2018).

In many ways the election was very problematic, and was rated as essentially free but unfair by the OSCE.

In the 2018 election Fidesz won 134 of the 199 seats in the National Assembly, receiving close to 50% of the votes

The OSCE provided a series of recommendations for the Hungarian government to implement for the 2022 election, but these have not been addressed. Instead, the Hungarian government has chosen the opposite direction, with new amendments to the electoral law as aforementioned.

After the election, Fidesz received 48.85% of the votes, thus claiming 134 of the 199 seats of parliament.

Jobbik was the second largest party, with 19.35% of the votes and 25 seats, followed by MSZP who received 12.26% of the votes and 20 seats (Reuters).

This has essentially resulted in a majority government, which does not depend nor holds any interest in dialogue with the opposition parties for decision making.

ISSUES

Prior to Russia's invasion of Ukraine on the 24th February 2022, Fidesz's election campaign had primarily focused on "traditional values" and anti-LGBTQ+ rhetoric (Garamvolgyi, 2022).

Initially, the opposition chose to focus on what they referred to as "Orbán's corrupt dictatorship", but this was soon overshadowed by the war in Ukraine (Picheta, 2022).

Thus, after the invasion, the war became an important tool in the political campaign.

The opposition leader, Péter Márki-Zay, attempted to frame the election as a choice between the West and the East.

Meanwhile, Orbán sought to place Fidesz as a pro-peace party, trying to stay out of the war, and referred to the opposition as being "pro-war" (Gosling, 2022b).



IMAGE 1 | ABOVE

A Fidesz's campaign poster, saying "Let's preserve the peace and security of Hungary!".

IMAGE 2 | BELOW

A pro-opposition poster, where the choice is characterised as between the European Union and the Soviet Union (Russia).

In 2021, the electoral law was amended to allow voter tourism

The primary divide in this election has been the regime versus opposition divide (Laczó and Leggewie, 2022). This can be seen in how the opposition has framed it as an election with a focus on the corruption of the government, as aforementioned.

Moreover, in 2021, the legislation was amended by Parliament to, essentially, allow voter tourism. This legislation made it possible for individuals to register on an address without actually living there, which in turn enables them to vote on constituency lists.

Before the election, there were concerns that this would be used in constituencies where the race is tight (Hungarian Helsinki Commission, 2022: 10).

REFERENDUM

On the same day of the election, a referendum was held. The referendum concerned LGBTQ+ education in schools. The questions for the referendum were the following:

1. Do you support holding information events on sexual orientation to minors, in public education institutions without parental consent?
2. Do you support the promotion of gender-reassignment treatments to minors?
3. Do you support the unrestricted exposure of minors to sexually explicit media content, that may influence their development?
4. Do you support showing minors media content on gender changing procedures?"

The Fidesz government campaigned for the referendum, while the opposition pushed to have the referendum invalidated by having people cast invalid ballots. By law, there needs to be at least 50% of voter turnout with valid ballots to have the referendum deemed valid.

In order to make a ballot invalid the voters had to either cross two answers, both yes and no, or set more than two stripes overlining each other in a circle.

The motive for invalidating the referendum comes from the argument that these questions are problematic, and discriminatory towards the LGBTQ+ community (MacDougall and Pafli, 2022).

Furthermore, these questions do not seem to actually influence education. Therefore, this referendum can best be explained as an abuse of the right of referendum as a political tool.

CAMPAIGNING

Fidesz's control over the national media has resulted in an unfair playing field in regards to campaigning and media coverage.

The opposition has claimed that it had 2000 advertising billboards across the country, in comparison to Fidesz's 20 000 (Tait and Garamvolgyi, 2022).

During the campaign, the wealth of Fidesz compared to its competitors has also been particularly visible, in regards to the expenses related to the campaign.

In previous elections, Fidesz has been reported to spend more than twice the legal amount of campaigning, and three times more than the opposition (Transparency International, 2014).

This exorbitant campaign spending in combination with the media's amiable coverage clearly provides an advantage to Fidesz. Moreover, the opposition leader Márki-Zay has criticised Orbán for not wanting to participate in a live debate with the opposition parties (Apuzzo and Novak, 2022). Orbán has also been accused of using government funds for Fidesz's campaigning, through use of the

Fidesz has been reported to have spent more than twice the legal amount, and three times more than the opposition in previous elections

government's coronavirus alert app for campaign messages (Apuzzo and Novak, 2022). Thus, the campaigning process has been highly criticised for being unfair.

According to the electoral law §144, section 4 B, campaign posters may be posted on government buildings with the consent of the government agency in question. Thus, it seems reasonable to assume that this aspect of the legislation would allow Fidesz to prevent the opposition from campaigning in the same spaces as Fidesz, yet again challenging the fairness of the campaign climate.

Election Observation

THE MISSION

On 3 April 2022, Silba deployed 40 election observers. 22 were deployed to polling stations in 12 different election districts in Budapest, while two observers were sent outside of Budapest, to Érd.

Two observers were deployed to Borsod-Abaúj-Zemplén, a county in the north-east of Hungary; four in two different district in Hajdú-Bihar, a county in eastern Hungary next to the Romanian border. There were also four observers in Bács-Kiskun, a county on the border to Serbia.

Finally, there were also four observers at the consulate in Subotica, Serbia, and four in Cluj-Napoca in Romania, two of the latter at the Hungarian consulate and two at the NGO “Hungarian National Council of Transylvania”, abbreviated to EMNT in Hungarian, where people also could vote. According to a Hungarian watchdog NGO, Átlátszó, the EMNT receives money from Fidesz, which in turn may impact their partiality (Sipos, 2022).

The Election Observation Mission was one of Silba’s larger ones in the past few years. It included eight coordinators, and 42 observers, of which two fell ill during the election week and, thus, could not be deployed. Prior to the EOM, all observers had completed a comprehensive online training through the OSCE. In the days before the election, the observers were taught about the national politics and the democratic situation in Hungary through various lectures and workshops.

Silba sought and received accreditations from the Hungarian National Election Office. In addition to our observers, we also had to seek accreditation for our

translators. This required Silba’s observers to be registered individually at the National Election Office, where their certificates from the OSCE were provided. The translators volunteering for Silba were likewise registered ahead of the election. The time frame for registering translators proved a challenge to Silba, as we as an organisation largely depend on volunteers. Furthermore, it was hard to secure the adequate number of translators before the registration deadline, and as a result Silba was unable to secure translators for all the observer teams.

For this mission, our observers used an app developed by our partner organisation in Kyrgyzstan, the Kloop Media Foundation, in order to communicate their observations with the coordinator team. The app enabled the observers to send direct reports throughout election day, and also to include pictures directly in their reports.

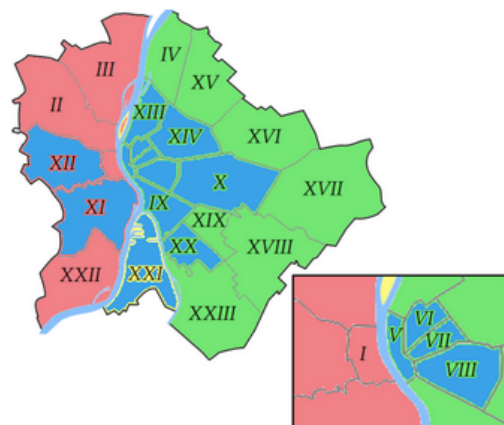


IMAGE 3
Map of Budapest, Hungary. The blue areas represent the electoral districts covered by Silba observers.

ELECTION DAY

On election day, our teams deployed across Hungary, in Cluj-Napoca (Romania) and in Subotica (Serbia) observed a number of irregularities that may challenge the security of the democratic process, these we will expand on further. The observers were present for the opening procedure, as well as throughout the day, and at the closing and counting procedures.

Below, our findings will be provided. The first sections will cover the opening procedure, general observations and the closing procedures, followed by specific sections on Romania and Serbia, as well as a section on what the findings may imply and our recommendations for future elections.

OPENING PROCEDURE

One of the aspects which our observers noted was a lack of procedure for determining roles in the polling stations. Seemingly, each polling station had their own method of determining the roles for polling station officials, and there seemed to be no guidance to follow.

In four cases, the number of registered voters in the polling station was not registered in the protocol. Moreover, in one instance, the chairman of the polling station was unaware of the number of voters assigned to the polling station. These polling stations did not know or register the number of ballots available to them.

Finally, at the Hungarian consulate in Subotica, there was no protocol present. By law, a protocol or a log must be in place at polling stations, as a way of stating that these have opened and worked as anticipated, as well as to note any irregularities during the day, and finally to log the total number of counted votes.

Our observers noted the lack of procedure for determining roles. Each polling station seemed to have their own method

GENERAL OBSERVATIONS

Silba was able to observe 154 polling stations throughout the day. In this section, our general observations will be described.

49 of the polling stations were not accessible for individuals with disabilities. On three independent occasions, our translators overheard voters discussing receiving inducements to vote. 81 polling stations lacked minority language provisions. When questioned about this, the common answer was that these minorities were not represented in the voting district.

In nine of the polling stations, the observers deemed that the polling stations officials had not been satisfactorily trained. However, in 134 cases the training was seen to be satisfactory.



IMAGE 4 | ABOVE

What:

A woman came in to vote, and put envelopes in her bag when going out.

Where:

Budapest 14th District

When:

3rd April 2022

IMAGE 5 | BELOW

What:

Written instructions for polling station officials, which say that if international observers come into the polling station their presence needs to be called in.

Where:

Polling station in Budapest

When:

3rd April 2022

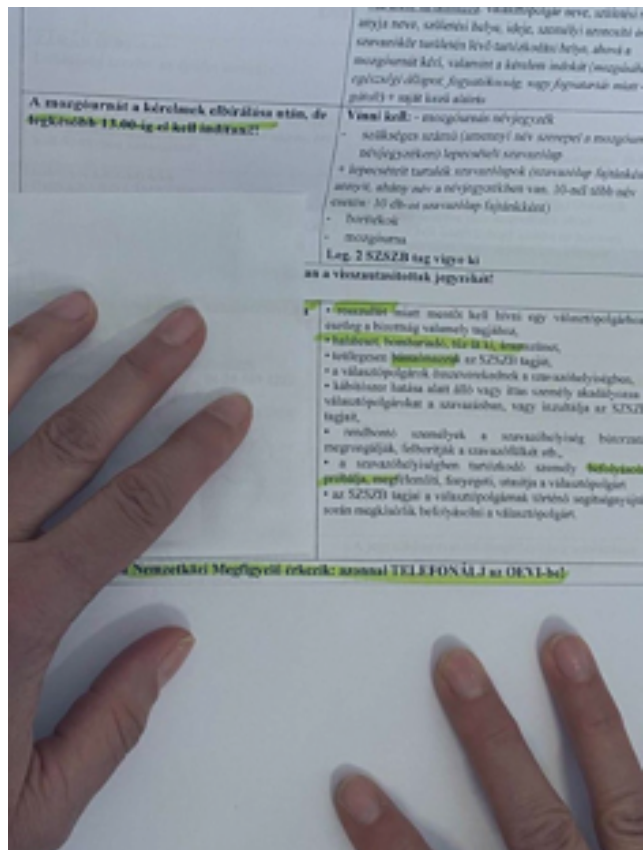




IMAGE 6 | ABOVE

What:

A ballot box.

Where:

EMNT (Hungarian National Council of Transylvania), an NGO in Cluj-Napoca (Romania), where voting also took place.

When:

3rd April 2022

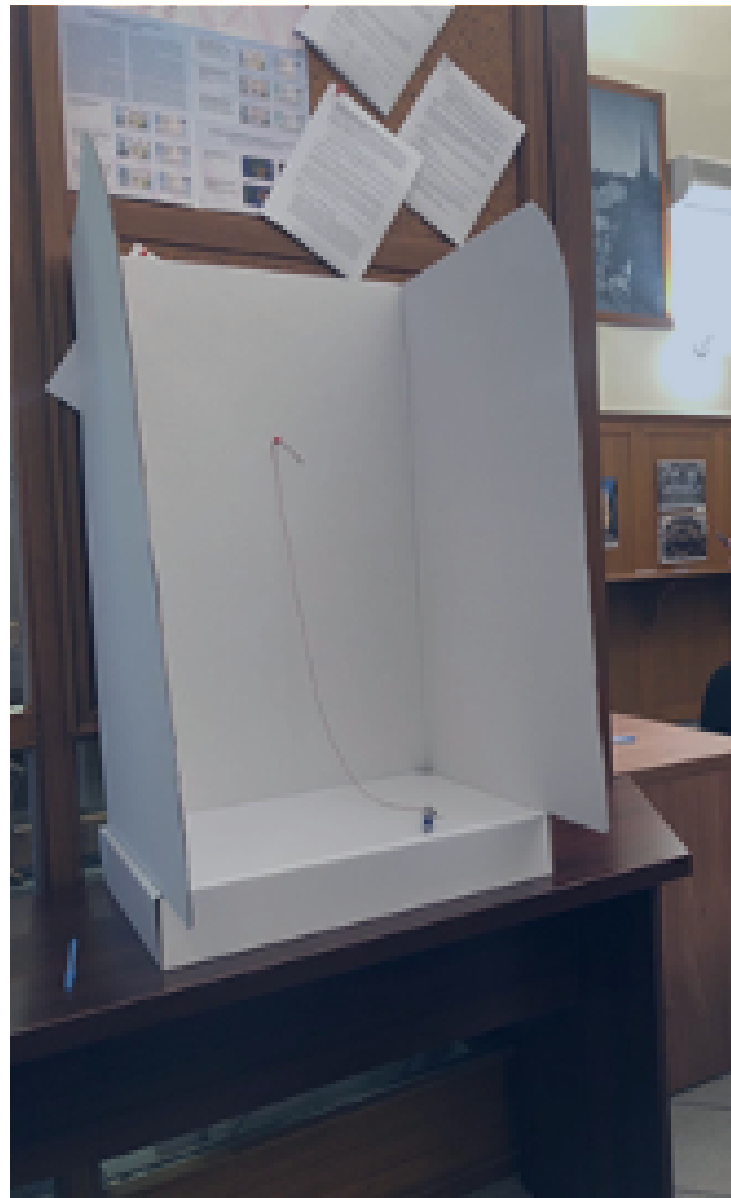


IMAGE 7 | BELOW

What:

A voting booth.

Where:

The mail-in ballot station at the Hungarian consulate in Cluj-Napoca, Romania.

When:

3rd April 2022

Similarly, in six of the polling stations, the observers found the chairperson to not have received a satisfactory level of training.

In two occasions, unauthorised personnel were present in the polling station. Unauthorised personnel are all those who are not polling station officials nor voters. Additionally, media and police can be present temporarily. One polling station had a visit from the father of a polling station official, and one received a visit from the local government.

At 16 polling stations the polling booths were found by the observers to be of poor quality, and in 23 polling stations observers took note of voters voting openly. Thus, the polling stations were insufficient in securing the secrecy of the vote. See example picture 7.

Observers also observed voters taking photos of their ballots after voting.

In a few polling stations, due to long queues at the polling stations, officials would create makeshift booths and instruct voters to vote openly. In 45 instances, observers saw groups or families voting together.

IMAGE 8

Entry to a polling station through two sets of stairs. There is no ramp of access for people with reduced mobility.



There were also several cases of assisted voting, without a clear need for assistance. Two times, observers noted that voters were able to vote multiple times without providing an explanation.

In 20 cases, observers found the ballot boxes, in particular the mobile ballot boxes, to be poorly sealed.

At five polling stations, polling station officials obstructed the work of our observers, and some seemed to be communicating from the polling station about the whereabouts of our observers.

Multiple observer teams observed that polling station officials would immediately call their superiors when observers

Issues found were related to the accessibility of polling stations, secrecy of the vote, assisted voting without clear need, ballot boxes poorly sealed, lack of inclusion of minority languages, and the presence of unauthorised people

entered the building. According to the electoral law, it is illegal for a polling station official to be using a transmitting device inside the polling station. A transmitting device is considered as any device that can send or receive a message.

On several instances, polling station officials were unwilling to comply with lawful requests from observers, such as providing copies of documents.

Members of Fidesz were observed taking pictures of the observers. A Fidesz delegate admitted that they had received instructions to prevent observers from getting copies of documents from the polling station.

The delegate had also been instructed to say that it was against the law to provide copies. At one polling station, one of our translators was obstructed from entering a polling station due to being associated with an opposition party, in spite of their legal accreditation from the National Election Office.

One polling station official mentioned a fear of losing their job if they complied with lawful observer requests regarding copies of documents.

A number of polling stations had polling station officials using their phones during voting, in spite of the electoral law prohibiting this. Apple watches were also observed on polling station officials.

CLOSING PROCEDURE

The polling stations closed at 19:00 in the evening. Our observers were present for both the closing procedure itself, as well as the following counting of the votes.

One team of observers noted that a ballot box was improperly sealed, with the tape on the side not touching the lid and the box. Observers also reported inconsistencies regarding handling of ballot boxes in different polling stations.

In five instances, the number of registered voters did not match the number of ballots cast in the polling stations.

Five of the observer teams were of the impression that the number of invalidated referendum ballots was too high. However, they were also told that this was expected, as anticipated by several NGOs and national media outlets who had communicated that the united opposition would attempt to invalidate the referendum by spoiling their ballots, rather than voting.

Two polling stations were observed to not complete the counting record in an appropriate manner.

At two of the polling stations, the polling station officials would not provide copies for the observers, and would only allow observers to take photographs of one of the protocols.

The communication of the election results was very inconsistent between polling stations. Most of the polling stations did not communicate or visibly announce the results. Two of the observer teams found the transparency of the counting process to be unsatisfactory.

**In five instances,
the number of
registered
voters did not
match the
ballots**

IMAGE 9 | ABOVE

What:

Picture of a covered security camera.

Where:

The mail-in ballot station at the Hungarian consulate in Cluj-Napoca, Romania.

When:

3rd April 2022

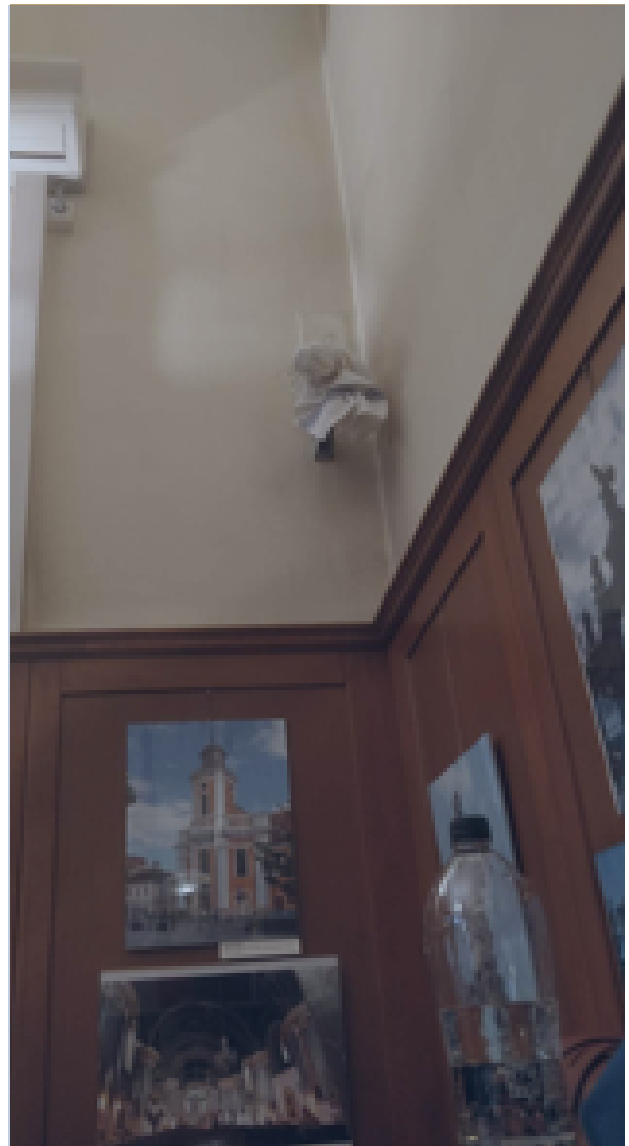


IMAGE 10 | BELOW

What:

Picture of loose ballots.

Where:

EMNT (Hungarian National Council of Transylvania), Romania.

When:

2nd April 2022



IMAGE 11 | ABOVE

What:

Picture of a ballot box, in which one individual person is placing several envelopes with votes. The individual came from a government NGO, and claimed it was 3000 votes which they had collected.

Where:

Mail-in ballot station at the Hungarian consulate in Cluj-Napoca, Romania.

When:

2nd April 2022

ROMANIA

In Cluj-Napoca, our observers reported ballot boxes of unsatisfactory quality, which were not sealed in a secure way and would be able to be tampered with. The quality of voting booths was also lacking.

At the consulate in Cluj-Napoca, our observers noted a large number of absentee votes lying on a table. This would mean that a large number of people had travelled from all across Hungary to be in Cluj-Napoca on election day, a number which seems quite high and unlikely, which thus indicates that these ballots may be the result of voter tourism.

Our observers at the Hungarian consulate in Cluj-Napoca also noted that the security cameras had been covered. When they asked about this, the polling station officials said that it was to protect the privacy of the voters.

In Romania, at the voting station of the NGO EMNT a number of ballots had been placed in a different room, with seemingly no real security, instead of having them in the same room as the voting.

On several occasions, our observers noted individuals coming into the polling stations and placing a large number of ballots into the ballot box, claiming that they were voting for friends and family. Moreover, this was at no point addressed by the polling station officials. Our observers did not note anyone needing to prove that they were voting for others.

SERBIA

In Serbia, the same situation with several people occupying the same polling booth also occurred.

Our observers also noted that there was neither a second counting of the envelopes from the postal vote nor of the ballots from the election day.

Our observers also took note of the mobile ballot box being sent out just before closing of the polling station, and being returned with a broken seal.

CONDUCT, VULNERABILITIES & PROCEDURE

Above, the observations from election day provided by our observer teams have been outlined. The following section will deal with what these observations may imply for the electoral process in Hungary. As mentioned above, in some polling stations, the ballot boxes did not fulfil the required standards to avoid tampering, and also some imply some form of tampering as the seals seem to have been broken.

Some observers also noted ballot boxes which lacked seals on all sides of the box. This challenges the process of the election as tampering with votes may be easily done.

Several observers noted how, on a number of occasions groups of people would go behind polling booths and vote together.

In some of the polling stations, the ballot boxes did not fulfil the standard requirements to avoid tampering

When our observers asked the polling stations officials about this, many of them argued that it was families and people helping each other. In many of the polling stations, our observers noted a lack of privacy, with poorly constructed polling booths, as well as transparent walls enabling other people to see activities behind the screens.

In some stations, people marked their vote on open tables. The poorly constructed polling booths, as well as the recurring procedure of being several individuals in the same polling booth challenges the secrecy of the vote. According to the OSCE's Copenhagen Document (1990), secret voting is a key feature of democratic elections.

One of our translators overheard voters outside the polling station talking about inducements and voting. However, the translator also said that there was no risk of it occurring as they were worried about international observers being present. The polling station official who belonged to the opposition told our observers that vote buying would not occur in the polling station, but rather at supermarkets and outside the station.

Moreover, due to the law enabling people to share how they vote, and as polling station officials are not required to keep individual votes secret, this enables the process of vote buying.

According to XXXVI of the 2013 law on the election procedure, §172, section 2, the members of the counting committee shall not use any means of recording or transmitting data in the polling station during the voting period, with the exception of official election documents. However, several of our observers noted polling station officials using their phones in the polling station.

Moreover, many polling station officials were unwilling to accommodate our observers, with one of our translators overhearing polling station officials telling voters that they had to act differently as

In some polling stations, people marked their vote on open tables, others had transparent voting booths

there were international observers present. A number of our observers felt that they were being followed around by officials in the polling stations, and that these tried to distract the observers from observing the polling place.

Moreover, many polling station officials were unwilling to give their names, and have been instructed in writing to call their leaders when they see an international observer (highlighted bottom line on photo on p.15). These issues indicate an overall unwillingness to take accountability for the electoral process.

Throughout the day, our observers noticed a lack of accountability, in the sense that there was no double-checking of ballots, and no way of knowing where ballots belong.

This then may have enabled vote buying and chain voting, as there were no measures in place to control the number of ballots deposited at once.

According to XXXVI of 2013 law on the election procedure §196, all votes must be counted twice. In Serbia, our observers only noted the votes being counted once, thus not according to the election legislation.



IMAGE 12 & 13 | ON THE LEFT

What:

Pictures of more than one individual going into the same voting booth.

Where:

Subotica Consulate Polling Station, Serbia.

When:

3rd April 2022



IMAGE 14 | ABOVE

What:

Entry to the polling station, hard to enter for people with reduced mobility.

Where:

Subotica Consulate Polling Station, Serbia.

When:

3rd April 2022

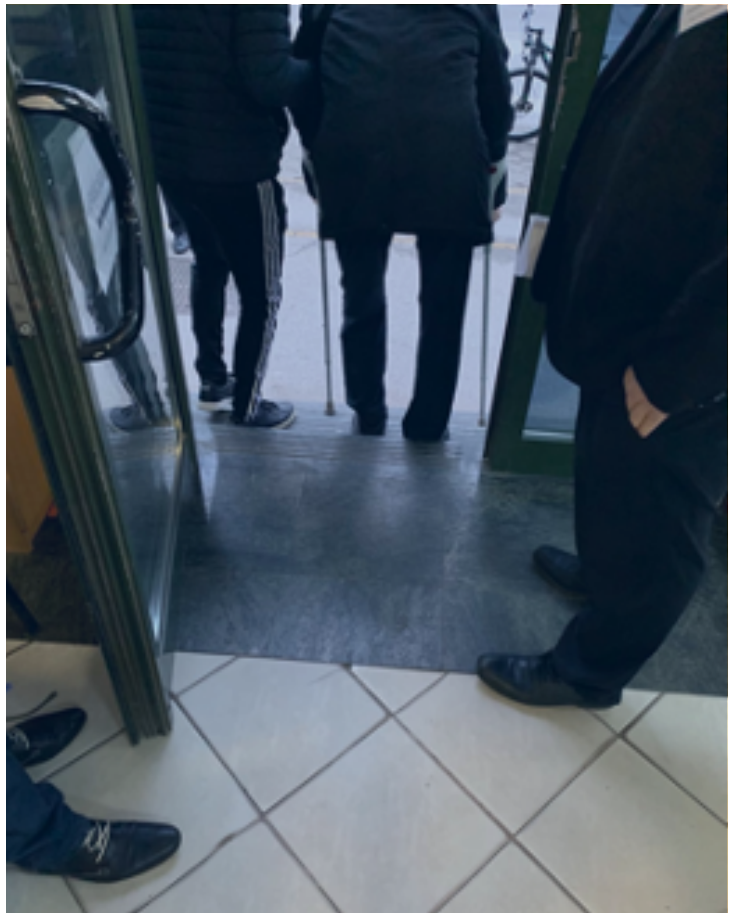


IMAGE 15 | BELOW

What:

An example of the poor privacy provided by voting booths. Most common type of booth in the area.

Where:

Debrecen Polling Station No. 1, Hungary.

When:

3rd April 2022



Complaints on election misconduct can be submitted to the National Election Office up to three days after the election, which is allowed seven days for the counting and 90 for the storing of votes

DISCUSSION

One of the main issues that we detected throughout the country, and in the consulates in Romania and Serbia was the occurrence of multiple people in the polling booths.

This challenges the secrecy of the vote, and the integrity of the election. The lack of security measures, furthermore challenges the integrity of the election as ballots may easily be missed or lost.

The electoral law only allows for complaints about any mishandling of the election to be submitted up to three days after the election day. However, the National Election Office in turn is allowed seven days to finish the counting, and may store the votes for a period of 90 days. It is not clear from the legislation whether there is a legal mechanism in place to complain about any misconducts during either period, which may be seen as a flaw of the legislation.

Moreover, the amount of people who filled out their ballots outside of the voting booths also affects the secrecy of the vote. While secrecy of the vote is not required by law in Hungary, it is problematic from the normative viewpoint of good democratic practice.

Finally, the lack of transparency, especially in regards to when individuals voted for other voters, and would deposit numerous votes at one time without it being commented, facilitates the use of vote buying as there are no controls in place to make sure who the envelopes belong to.

The Clean Vote Coalition (2022), a grouping of Hungarian NGOs, also corroborated many of the observations our observers made in their press release. Their volunteers reported overhearing discussions regarding vote buying, as well as noted the practice of several people going into voting booths together, accompanied by reports of the same person accompanying several people into booths as well as overhearing of the helping person giving advice to voters.

In their statement following the election, the OSCE writes that while the election was marred by an unfair playing field especially in regard to campaigning, and an election law where several aspects do not fulfil international criteria, it was still well administered.

Many of the points raised in the OSCE (2022b) report overlaps with the issues that Silba wishes to highlight in this report.

RECOMMENDATIONS

Silba has chosen to put together a list of recommendations on how to improve the electoral process in Hungary. Our recommendations for future elections include:

- Improvement of the secrecy of the vote. This could be done by improving polling booths to avoid insight, as well as polling stations officials ensure that there is space for people to vote in the booths and to control when numerous people go into the same station.
- Improvement of the accessibility to polling stations for disabled people.
- Improvement of the system for absentee voting.
- Improvement of the security at polling stations. Avoid ballots lying in unsupervised locations.
- Further training for polling station officials in the election law, including making them aware that votes should be counted twice, as well as how to deal with election observers and what rights are in place.
- Improvement of accountability and procedures so that it is clear how many ballots are in use and that there is a way to control absentee voting and when individuals deposit several votes at the same time.
- Improvement of equal accessibility to voting within and outwith Hungary.
- Reverse the legislation regarding voter tourism.
- Improvement of the independence of the Electoral Commission.
- Criminalise the act of vote buying, or at the very least improve the right of secrecy of the vote so that it is not an issue.
- Improvement of the independence of the media.
- Improvement of the campaigning process and access to campaign funds and spaces.

Election Results

POLLING PREDICTIONS

In polls released on 23 March 2022, conducted between 16 to 18 March 2022, i.e., roughly two weeks before the election, pointed the ruling party Fidesz still in the lead, albeit a small one.

Despite the opposition uniting and forming a block against Fidesz, they never managed to reach a majority in the polls. However, the polls showed that the opposition and the ruling party have been much closer in the run-up to the election than in previous years. This election was seen as being the most competitive in terms of the possibility of reaching a majority since Fidesz came into power in 2010.

Moreover, the other two opposition parties, the MKKP and Our Homeland Movement seem to take votes away from both other parties.

FINAL RESULTS

In the morning of Monday 4 April 2022, it became clear that Viktor Orbán

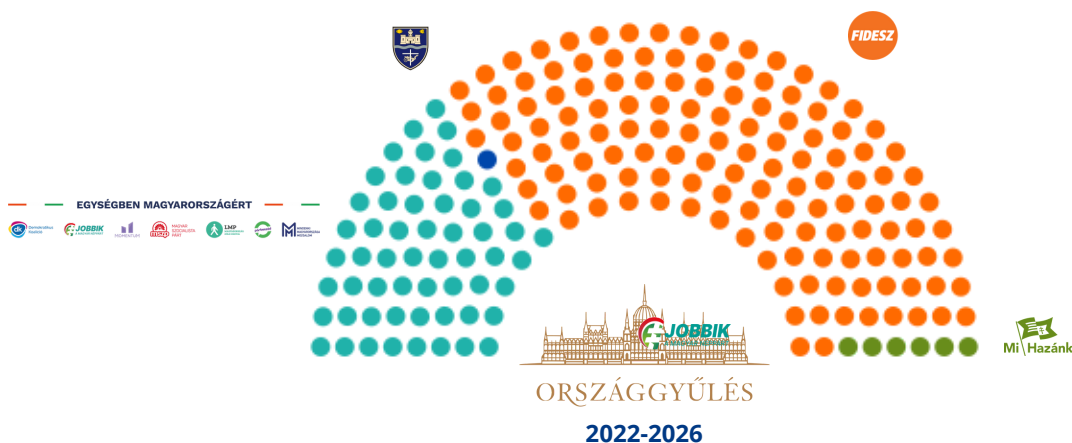
and Fidesz yet again scored a majority result, and succeeded to gain the support of his electorate to rule for another four years.

In his victory speech after the results were announced, Orbán described the Ukrainian President Volodymyr Zelensky as one of the opponents he had been required to overcome in the campaign (Picheta and Bardi, 2022).

The election also resulted in the party Our Homeland Movement gaining enough votes to cross the threshold, and making it into the National Assembly.

Meanwhile, the opposition leader Márki-Zay was unable to win in his own district, where he has been a mayor up until this election (Picheta and Bardi, 2022).

After all the votes had been counted, Fidesz received 54.1% of the votes, and 135 of the seats. United for Hungary received 34.4% of the votes, and 56 seats. Our Homeland Movement, with 5.9% of the votes gained 7 seats in the National Assembly, and the final remaining seat went to the National Self-Government of Germans in Hungary (Politico, no date).



Conclusion

A MAJORITY VICTORY

After the votes had been counted, it was a clear victory for Fidesz. This election result should be seen in light of the disproportionate electoral system, supported by the governing party led by Órban.

With 54% of the votes, the governing party secured 67% of the mandates in Parliament, while the united opposition received 34% of the votes, but only 28% of the mandates.

This puts the governing party into a position where it alone can continue having a qualified majority in parliament to advance its programme without the need of coalition with another party.

These results are, furthermore, worrying due to the poor electoral practice which Silba observed throughout the election, particularly in the Romanian consulate.

While it is difficult to determine how extensive these concerning electoral practices are, and even more difficult to know the influence it had on the election, the presence of these irregularities should be considered seriously.

The poor electoral practices Silba has observed are worrisome

This report has looked at the candidates for the Hungarian election, as well as the legislative framework and key developments during the election.

PROBLEMATIC ELECTORAL PRACTICES

The main aspect of this report, however, were the observations collected throughout election day.

Some of the issues our observers noted includes the lack of secrecy for voters, which in turn enables vote buying, insufficient voting booths, group voting, and a lack of accountability for absentee voting.

The framework under which the election took place should also be noted. Several aspects often seen as integral to democracy were challenged, such as the secrecy of the vote and the principle of equal suffrage.

The former through the lacking standard of the polling station, and the overuse of group voting, and the latter through how the electoral law has shaped the constituencies, and how it makes it more difficult for Hungarian citizens outwith Hungary to access voting.

On top of this the electoral code of the country is phrased in such a way that observers, national as well as international, cannot really claim to see any violations of the electoral law since the law, while comprehensive, is seemingly intentionally flawed in many serious ways.

The law does not protect against abuse nor ensure the secrecy of the vote, and it can be seen to be unfair in the division of seats in the National Assembly.

Thus, it is important for the future prospects of Hungarian democracy that the legal framework for elections be improved.

HUNGARY'S FUTURE

Silba's standpoint regarding the election to the Hungarian National Assembly in 2022 is that a number of flaws, based on normative ideas regarding good democratic practice, in the electoral procedure were noticed.

Moreover, the legislative framework has a number of flaws, which allows for the aforementioned issues to occur unchallenged.

Thus, it is hard to make amendments to the electoral process as it operates under a deeply flawed legislative system.

All of the points raised above further raises warning flags as to the state of democracy in Hungary.

In the Hungarian Helsinki Commission's (2022) report before the election, they noted that the Hungarian government had not implemented any of the ODIHR's eight priority recommendations, which were published in relation to the last general election.

With the repeated win from the Fidesz government, and their power ensured for another term, there is no sign of this to be amended in the future either, and thus the future of the state of democracy in Hungary looks bleak.

In a report from the Helsinki Commission, it was noted that the Hungarian government had not implemented any of the ODIHR's suggestions, drafted as a result of the previous election

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