



Berlin/Budapest 30 March 2022

HUNGARY POLICY ALERT #5

A tilted playing field favors the government in Hungary's April 3 parliamentary elections

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Parliamentary elections are taking place in Hungary on April 3 and will be decided among two political blocks in an unprecedentedly polarized environment. Following irregularities observed in previous elections in 2014 and 2018 resulting in “free but not fair” elections, OSCE ODIHR has requested and successfully fielded a full-scale election observation mission to the country to monitor the elections. Several concerns raised regarding the elections relate to the legal environment, while others to the uneven playing field, especially regarding the media landscape and campaign financing, which all tilt the playing field toward the incumbent government. Short-term observers participating in the EOM and an unprecedented civil mobilization, however, may have a positive influence on electoral integrity on election day.

The 2022 parliamentary elections are scheduled for April 3 in Hungary and will be decided between the governing coalition of Fidesz – Hungarian Civic Alliance and the Christian Democratic People's Party (KDNP) on the one hand, and the opposition coalition of six parties (the Democratic Coalition (DK), Dialogue, the Hungarian Socialist Party (MSZP), Jobbik, Momentum and Politics Can Be Different (LMP)) on the other. The elections take place in an unprecedentedly polarized political environment, yet beyond the two blocks, two small parties may also stand a chance to narrowly pass the five percent threshold into the 199-seat parliament: the Two-Tailed Dog Party, a joke party, and the extreme right Our Homeland Movement. In Hungary's mixed electoral system 106 mandates are decided in single mandate districts and 93 are distributed according to the performance of national party lists, thus 100 seats are necessary to obtain the simple majority in the parliament, and 133 seats are needed for a two-thirds constitutional majority.

After finding the [2014](#) and the [2018](#) parliamentary elections “free but not fair” and seeing its subsequent recommendations go unheard, the needs assessment mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) [called for](#) a full election observation mission in February. Deploying a full mission, including this time the core team of 14 international experts, 18 long-term and 200 short-term observers, is an unusual step in an EU member states and has so far only been requested in the case of Bulgaria in 2021. It therefore signifies the extent of concerns regarding the election environment as well as potential irregularities that may occur on election day. The [interim report](#) of the OSCE mission published on March 21 largely repeated earlier concerns. These were also corroborated by the [interim findings](#) of the international election observation mission of the European Network of Election Monitoring Organizations (ENEMO), which deployed an observation mission to Hungary for the very first time with a 7-member core team, 14 long-term and around 200 short-term

observers. A series of these concerns relate to the legal environment, while others to the uneven playing field, especially regarding the media landscape and campaign spendings.

The [electoral code](#), which contains also the electoral map of Hungary, was adopted in 2011 by the Fidesz-KDNP government and went through the last significant amendments in 2020. These amendments [introduced](#) stricter conditions for the registration of national lists in the elections, officially with the aim of restricting the running of [so-called dwarf or fake parties](#). The introduction of the requirement to field candidates in at least 71 out of the 106 single mandate districts indeed decreased the number of fake parties from nearly a dozen in 2018 to [just two](#) in the current elections, but also played a decisive role in forcing the opposition parties – which wanted to avoid competing against each other in single mandate districts to better their chances against the governing parties – on one national list, thereby contributing to the polarization of the political environment. At the same time, the amendments did not address the inequalities that have developed in the size of the single mandate districts even though the law requires the adjustment of the electoral map if the population of one district diverges from the national average by more than 20 percent. Consequently, there are currently [seven districts](#) the population of which exceeds the legal limits, in all cases upward, resulting in a situation that infringes on their equal suffrage making their vote worth proportionally less. Furthermore, experts [found](#) that the current electoral map shows political inequalities with districts typically favoring the governing parties being smaller in population than opposition-leaning ones, thus requiring less votes to decide a mandate.

There are also inequalities in the conditions under which Hungarian citizens living abroad can exercise their right to vote. Those with no registered address in Hungary are eligible to vote via mail for the national lists, whereas those with a registered address can only vote in person at a representation of Hungary in the country where they live, often requiring them to travel to other cities and dedicate disproportionate time and financial resources to cast their ballot. This second group, which typically lives across Europe and consists of Hungarians working or studying abroad, is electorally diverse. To the first group typically but not exclusively belong Hungarians living in the Carpathian basin many of whom have received citizenship over the past twelve years through the simplified naturalization process introduced by the current government. In 2018, [96 percent](#) of postal votes, casted overwhelmingly from the neighbouring countries, went to Fidesz. This discriminatory arrangement thus favors the current ruling coalition, as well.

A recent legal amendment changing the legal definition of ‘residence’ also raised [concerns](#) as it facilitates the registration of fictitious addresses without any sanctions that opens the path ahead potential electoral fraud in the form of so-called vote tourism both within the country and potentially across the border. In the latter case, documented already in the 2018 parliamentary and 2019 local elections – albeit then still illegal, the registration of a fictitious address grants Hungarian citizens without actual residence in the country the right to vote not only on the national list but also in a single mandate district, whereas in the former case, the re-registration of citizens may be used to manipulate the results in so-called battleground district where a very tight race is predicted.

Beyond the above peculiarities of the electoral system, the playing field is distorted further by the media environment as well as the untransparent and unequal campaign financing. Increasing political

control over both public and private media has led to [media capture](#) by [the Fidesz party](#) and a shrinking space for independent journalism both in terms of reach and financial sustainability. The concentration of around 500 outlets, financially boosted by state advertising, under the umbrella of the Central European Press and Media Foundation (KESMA), which is led by individuals loyal to the governing parties, ensures that Fidesz's messages are distributed widely in a coordinated way across the country. Meanwhile, public media service no longer fulfills its service function, instead reports in a systematically biased way both during and outside the campaign, amplifying the messages of the government instead of providing a balanced and fair coverage.

Although the law stipulates certain limits on individual candidates' and parties' official campaign spending, this is only a fraction of what parties really invest into the campaign. Campaigning on the part of state officials is not regulated and the use of state resources for the electoral campaign has also been widespread supporting the campaign of Fidesz and thus giving it a significant advantage both in terms of outreach and spending. Campaigning by third parties is also allowed, but their spending is neither regulated nor capped. As a consequence, they play a significant role in the campaign, especially on the governing parties' side. The most important arena for such expenses has been social media, since according to the current regulations, spendings via such channels do not count toward official campaign expenditures and do not need to be reported. [Political advertising](#) has been capitalizing on this situation with channels linked to the governing Fidesz increasingly securing an advantage over time. Since April 2021 – when data through Facebook's Ad Library is available – the single biggest spender has been Megafon, an organization with ties to the governing party, boosting the posts of about ten pro-government “influencers” / “opinion leaders” and spending [over 1 billion HUF](#) (ca. 2.7 million EUR) to spread messages that fully align those with the government. On this occasion, a government-initiated referendum is organized in parallel to the parliamentary elections, the campaign for which has been running alongside the electoral campaign. Since there are no legal limits on campaign spendings in the case of referenda, and the government as its initiator is allowed to campaign on its own behalf, it further tilts both spendings and available airtime in the favor of the governing parties.

Election day irregularities – both procedural issues as well as the abuse of the voting right of the most vulnerable groups – have also been raised as potential concerns. Against such challenges endangering the freedom and fairness of the vote, preparations for this year's parliamentary elections brought unprecedented efforts from non-governmental organizations seeking to ensure the integrity of the elections. Learning from the irregularities experienced earlier, a wide-reaching campaign run by [20K22](#), [Unhack Democracy](#) and [Számoljunk Együtt Mozgalom](#) recruited and trained volunteers to join the electoral committees of polling stations as opposition party delegates across the entire country to ensure that not only the governing parties delegate commission members and thereby provide a more balanced oversight over election day proceedings. The [Tiszta Szavazás](#) (Clean voting), an initiative of the Civil College Foundation, Political Capital, the Hungarian Civil Liberties Union and aHang, organized, among other things, forums across the country educating vulnerable groups about their rights and opportunities, and provide a platform for citizens to report election fraud. Along with these civil initiatives, the short-term observers of the OSCE mission may also serve as an additional safeguard for election integrity this coming Sunday, however, their contribution cannot make up for the structural challenges ingrained in the electoral system and the current campaign environment.



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This text is part of a series of EPDE Policy Alerts on election processes. It focuses on legal framework, performance of election management bodies and positions of main political actors. Please feel free to forward and share our analysis.

EPDE is financially supported by the European Union and the Federal Foreign Office of Germany. The here expressed opinion does not necessarily reflect the opinion of the donors.



Funded by
the European Union