

ANNUAL RULE OF LAW REPORT

STAKEHOLDER CONSULTATION

LIST OF SOURCES AND REFERENCES

FOR SURVEY RESPONSES ON CONSULTATION TOPIC II:

- Political Capital: Halfway into the Hungarian electoral reform, April 19, 2012, http://www.valasztasirendszer.hu/wpcontent/uploads/PC-FES_ConferencePaper_HalfwayIntoTheHungarianElectoralReform_120417.pdf
- Developed in 2013, Political Capital's Mandate Calculator helps trace evidence of gerrymandering in certain scenarios. If we gave 50% of the vote to Fidesz and the leftist party alliance each, in the electoral districts the two blocks would not receive an equal number of 53-53 mandates; instead, the governing party would get 58 and its opposition only 48 individual mandates. Of course, as all model calculations, this is also unable to give an accurate picture of the future, although it discloses the intentions of Fidesz's "map designers", considering that they too could only work with historical election data. The Mandate Calculator is available at: <http://www.valasztasirendszer.hu/mandatum/>
- Constitutional Court Decision 3086/2016 (IV. 26.)
- Individual candidates receive HUF 1 million (≈EUR 2900), and parties, depending on the number of their candidates in single-member constituencies, receive anywhere between HUF 150-600 million (≈EUR 425,000-1,700,000). Two of the odd rules: (1) While individual candidates receive state funding through a card issued by the Treasury to prevent the withdrawal of cash, parties have access to funds in cash amounting to hundreds of millions. (2) Even as individual candidates must make detailed accounts of the funds received, parties face extremely lax accounting obligations.
- European Commission For Democracy Through Law (Venice Commission). Code Of Good Practice In Electoral Matters Guidelines And Explanatory Report Adopted by the Venice Commission at its 51st and 52nd sessions (Venice, 5-6 July and 18-19 October 2002). p 18. (par. 18.)
- OSCE, Office for Democratic Institutions and Human Rights. Limited Election Observation Mission Final Report, Hungary Parliamentary Election 8 April 2018. Available: <https://www.osce.org/odihr/elections/hungary/385959?download=true>, 2.
- The Curia even stated in 2019 that the Fundamental Law and the practice of the Constitutional Court allow interfusion of government and party communications in election campaigns. See: decision of the Curiano. Kvk.III.38.043/2019/2. [23].
- Typically, municipality-owned local media supported the governmental party in the campaigns. See for example: Curia case no. Kvk.III.37.236/2018/4.
- Decision of the Curia no. Kvk. III.37.421/2018/8. In this decision, the Curia stated that the state financed a country-wide billboard campaign which supported the campaign of the governmental party. The decision obliged the state to remove the billboard concerned. Despite this decision the state had not removed them.
- Act XXXVI of 2013 on the Electoral Procedure Article 221(1) has been amended. Before 1 September 2018, anyone could appeal against an election committee decision, after the modification only persons concerned. The practice of the courts and also the practice of the Constitutional Court is extremely unfavorable in defining who is a "person concerned". E.g. in the case no. Pk.VI.50.002/2017/3. the Regional Court

of Appeal of Pécs decided that a delegated member of the polling station commission is not “concerned” in the case which was initiated by him in the first instance.

- In the campaign for the European Parliament elections in 2019, the National Election Commission even denied to accept the right to appeal of a nominating organization (a political party) in its decision no. 56/2019. The Curia changed this part of the decision in its decision no. Kvk.II.37.706/2019/4.
- E.g. case of the Borsod-Abaúj-Zemplén Megyei Territorial Election Commission no. 132/2019. (X. 17.) rejected the plaintiff since he forget to indicate his personal identification number, despite the fact that he would have been identified based on other personal data.
- European Commission For Democracy Through Law (Venice Commission), Code Of Good Practice In Electoral Matters Guidelines And Explanatory Report Adopted by the Venice Commission at its 51st and 52nd sessions (Venice, 5-6 July and 18-19 October 2002). p 29. (par. 92.)