

The case of the Hungarian National Election Commission

12 December 2025

I. Summary

The National Election Commission (NEC) plays a key role in resolving election-related disputes. It is the only legal forum for appeals and the only legal forum for complaints (objections) in cases concerning more than one single-member constituency. Decisions made by the NEC may be challenged through judicial review applications. However, as an electoral body, the NEC is unable to level the playing field, which favours the governing parties. As a body that is fully politically appointed, the NEC even supports and enforces the disappearing line between the state, the government, and the party.¹

Government-leaning NEC members are always in majority, so decision-making, which is done by voting, in the NEC becomes an empty process. This is exacerbated by the fact that the NEC members themselves do not formulate the decisions and their reasonings. Members of the NEC who are delegated by parties standing for election without a current parliamentary group do not have the right to vote. Decisions on complaints regarding violations during the campaign period, on Election Day and regarding the results are made without their votes. National minority self-governments lost their right to delegate members to the NEC.

The NEC issues non-binding guidelines to promote a uniform understanding of the legislation among all election commissions. However, the NEC's own practices are often inconsistent, showing a loose interpretation of the law when high-level national cases are at stake and favouring the government. It is particularly worrying that the NEC is responsible for overseeing the asset declarations of Hungarian Members of the European Parliament (MEPs).

II. The composition of the National Election Commission

The NEC must comprise at least seven members. All NEC members must be registered residents of Hungary with the right to vote and stand in general elections. The NEC comprises of both elected and delegated members. All members have the same rights and responsibilities (apart from voting rights – see below), and they are expected to make decisions independently. In practice, however, this does not always happen and there are no sanctions against partiality. Due to an amendment in 2022,² members of the NEC who are elected or delegated by parties with a parliamentary group must also have a law degree. This seems unnecessary, particularly given the NEC's decision-making process (see the relevant section on decision-making).³

Seven members are elected by the Parliament on the recommendation of the President of the Republic.⁴ The governing *Fidesz-KDNP* holds a two-thirds majority in Parliament, which is enough to

¹ [OSCE ODIHR EOM's 2022 final report on Hungary](#) concluded that the campaign was characterised by the “blurring of state and party functions.”

² Act XXIII of 2022 on the Amendment of Certain Electoral and Related laws.

³ Sections 14-19 of Act XXXVI of 2013 on the Electoral Procedure (hereafter: Electoral Procedure Act). See the English translation of electoral laws on the [National Election Office's website](#).

⁴ Section 20 of the Electoral Procedure Act.

elect the NEC members and even the President of the Republic. Experience has shown that the elected NEC members are political appointees who are biased towards *Fidesz*.

Each parliamentary party may delegate one member to the NEC.⁵ These members usually favour their nominating party. Currently, there are eight delegates, two of whom represent the governing parties, *Fidesz* and its permanent coalition partner *KDNP*.⁶ This gives *Fidesz-KDNP* a majority of nine to six in the NEC. Prior to a significant amendment in July 2022,⁷ there was a period of approximately two months between the date of Election Day being set and the party lists being registered during which time, the NEC consisted solely of elected members. This was because the parliamentary group delegates' mandate lasted until Election Day was set, and parties could appoint new delegates once they had registered their party lists. The same applied to national minority lists. This provision was widely criticised as it covered an important period during which party, candidate and party list registration, as well as the collection and verification of recommendation sheets, take place. A welcome part of the 2022 amendment package was the introduction of party delegates to the NEC at all times, even before the registration of party lists for upcoming elections.

On the other hand, some aspects of the same amendment are highly concerning: under the new rules, members delegated by parties without a parliamentary group that are running in the upcoming elections are no longer entitled to vote in the NEC. Members delegated by parties without a parliamentary party group only have "consultative capacity", which, when read alongside the section on decision-making, is a blatantly empty right. The right of national minority self-governments to delegate members to the NEC has been completely removed. Previously, these members had a voting right on matters relating to national minorities and consultative capacity on other matters. Following the amendment, there are no minority members in the NEC at all.⁸ These differentiations and exclusions are unjustified and undermine the prospect of fair procedures and equal rights for parties standing in elections without established parliamentary groups, as well as minority representation. They also ensure a permanent majority for the governing parties' members (their delegates and members elected by the Parliament with their majority) in the NEC. This is one of several signs that the right to participate in politics is assumed to belong to established parties, which benefits the governing *Fidesz-KDNP*. When the above amendment was passed, the currently largest opposition party, *TISZA*, did not yet exist. However, the amendment later proved useful for the governing parties regarding the new opposition party as well: during the 2024 European Parliament and local elections, *TISZA* nominated party lists for the first time and received almost 30% of the votes; however, their NEC delegates did not have the right to vote in the NEC.

III. Competence

Complaints (objections) are a key legal tool for resolving electoral disputes. A complaint "may be submitted referencing a breach of election laws or fundamental election principles and procedures". In practice, they provide a legal remedy for violations of campaigning rules. The NEC is responsible for deciding on complaints that are not specifically related to a single-member constituency, as well as appeals against decisions made by single-member constituency election commissions. NEC decisions may be subject to judicial review by the *Kúria* (Hungary's top court).⁹

Complaints may be submitted by voters, candidates, political parties, or other individuals affected by the issue. However, only those affected by the case can submit appeals and judicial review applications.

⁵ Section 27 of the Electoral Procedure Act.

⁶ See NEC members at the [National Election Office's website](#).

⁷ Act XXIII of 2022.

⁸ Section 45(5) of the Electoral Procedure Act.

⁹ Sections 208, 297(3), and 229(1) of the Electoral Procedure Act.

This means that, in many cases, the NEC (or the constituency election commission) is often the only available legal forum for seeking a remedy, since voters who are not directly affected by the case cannot seek a judicial review.¹⁰

Once the President of the Republic has set Election Day, nominating organisations (i.e. political parties and national minority self-governments) must register with the NEC. Only registered parties can nominate candidates and party lists. Parties and independent candidates must collect at least 500 recommendations for registering in the election contest. National party lists may be submitted to the NEC for registration if the party has nominated at least 71 single-member constituency candidates across the 93 constituencies. The registration process is very formal, but fraud still often occurs surrounding the collection of recommendations. However, the NEC's work in this process is usually not questioned as much as it is later during the campaign period.¹¹

Commercial television and radio channels may choose to air political advertisements by registering with the NEC. The press must register with the State Audit Office and provide a price list for the publication of political advertisements. Lists of TV and radio channels, along with the press price lists, are published. Those not registered cannot air or publish political advertisements. The NEC is responsible for deciding on complaints relating to media which is aired or published in more than one single-member constituency.¹²

Votes cast at foreign representations of Hungary are sent to Hungary in sealed ballot boxes. The NEC decides whether a ballot box is properly closed; if it is not, the votes inside it may not be counted. The NEC supervises the National Election Office (NEO) when counting the postal votes cast by voters without a registered Hungarian residence.¹³

The NEC establishes the results of the national party lists within 19 days after Election Day. This is based on the minutes of the partial regional results of the national party lists established by the election commissions, the minutes establishing the postal voting results, and the decisions establishing the final results of the single-member constituency elections. The NEC decides on complaints against the election results. A legal remedy may be sought against the NEC's decision, but such a legal remedy may only be sought against the aggregation of the "wasted" votes used for compensations, the establishment or aggregation of the partial results, the establishment of the postal vote results or the aggregation of these.¹⁴

The NEC is the apex election commission in referendum-related matters from the initiation of a referendum, approval of proposed questions and validating the supporting signatures to the campaign rules-related complaints and establishing the results.¹⁵

In 2025, the NEC was granted the power to terminate Hungarian MEPs' mandates if their asset declarations were found to be missing or inaccurate. Considering the NEC's composition, this development is particularly concerning. Another amendment¹⁶ introduced a new obligation for Hungarian MEPs and their family members to submit asset declarations in the same way as members of the Hungarian Parliament. These declarations must be made annually; those of the MEPs are public, while those of their family members are not. The NEC was authorised to oversee the submission of these declarations and ensure their accuracy. If a declaration contains false information, is incomplete, or is not submitted, and the person obligated to submit it fails to correct the mistake, the NEC may

¹⁰ Sections 221(1) and 222(1) of the Electoral Procedure Act.

¹¹ Sections 119, 120(1), 124(1) of the Electoral Procedure Act and Sections 6 and 8(1) of Act CCIII of 2011 on the Elections of Members of Parliament.

¹² Sections 147/F, 148, 151, 152 of the Electoral Procedure Act.

¹³ Sections 285(2), 293(1) of the Electoral Procedure Act.

¹⁴ Sections 296(2), 297(3), 297(5) of the Electoral Procedure Act.

¹⁵ Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizen's Initiative and the Referendum Procedure.

¹⁶ Act XX of 2025 on the Amendment of Certain Laws in Connection with the Obligation of Members of the European Parliament to Declare their Assets, entered into force in two phases on 28 May 2025 and 12 July 2025.

terminate their mandate in the European Parliament.¹⁷ By contrast, MPs in the Hungarian Parliament face no such severe consequences if they fail to publish valid asset declarations. The amendment was widely perceived as a means of targeting the growing opposition party, *TISZA*, and its leader, Péter Magyar. Such a termination has not occurred since the first asset declarations were submitted following the amendment taking effect.

IV. The decision-making process

The NEC makes decisions by voting at its meetings. A simple majority decides; if the number of votes is equal, the president of the NEC decides. The president is one of the members elected by the Parliament. NEC sittings are generally public. Minutes are taken at each sitting and published on the NEO's website.¹⁸ However, there is no set timeframe for publishing the minutes. In 2022, for instance, the minutes from sittings held in the month before Election Day were published only long after the elections. Although sittings may be held online from 2025 onwards, there is no public streaming or recording, despite this being a potential means for increasing transparency and public trust. Decisions are published on the NEO's website.¹⁹ Since May 2025, the NEC has the right to hold closed or partly closed sittings "in cases specified by law". Based on this, until now, the obligation to hold closed sittings has been prescribed for when the NEC decides on the acceptability of Hungarian MEPs' asset declarations.²⁰ It is not yet clear whether other laws will specify similar cases and when the NEC will hold closed sittings. This development could have an adverse effect on transparency and public trust. Minutes drawn up and decisions made at closed sittings are not published; however, a short summary including the case number, the main ruling, and the essence of the reasoning is published.²¹

Draft decisions are prepared by the president or another NEC member appointed by him. The NEO staff assists the NEC in formulating these decisions and provides legal support.²² In practice, the members vote "yes" or "no" on pre-prepared decisions. It is not possible to participate in formulating the reasoning of the decisions or the decisions themselves. However, small amendments can be made. For example, in 2022, the NEC identified²³ a violation of the law and fined civil society organisations (CSOs) for encouraging invalid votes in the anti-LGBTQI referendum initiated by the government and held alongside the general election.²⁴ (Three out of four of these decisions were later overturned by the *Kúria*.) In this case, the NEC member delegated by the far-right *Mi Hazánk* (Our Homeland) party recommended increasing the fines, a proposal that was backed by all the elected members.²⁵ Nevertheless, the general practice of not giving NEC members a say in formulating decisions and their reasoning, and the legal provision encouraging this practice, is problematic. Although NEC members are supposed to have equal rights within the NEC, this gives the president and NEO officials extra rights when determining the direction of decisions.

The NEC draws up its own detailed rules of procedure. It also has the right and responsibility to issue guidelines to election bodies to ensure the uniform interpretation of legislation. These guidelines are not legally binding, and there is no legal remedy against them. They are published on the NEO's website.²⁶

¹⁷ Sections 4f), 7/B, 9/A, and 9/B of Act LVII of 2004 on the Legal Status of Hungarian Members of the European Parliament.

¹⁸ <https://www.valasztas.hu/nvb-ules-jegyzokonyvek>.

¹⁹ <https://www.valasztas.hu/hatarozatok>.

²⁰ Section 9/A(17) of Act LVII of 2004 on the Legal Status of Hungarian Members of the European Parliament.

²¹ Sections 39(1), 40(1)-(3), 40/A, 41/A, 41/B, 45(2)-(4) of the Electoral Procedure Act.

²² Section 45(1) of the Electoral Procedure Act.

²³ NEC decisions no. [324/2022](#), [325/2022](#), [327/2022](#), [328/2022](#) of 8 April 2022.

²⁴ <https://helsinki.hu/en/after-the-failed-anti-lgbtqi-referendum-the-government-would-silence-ngos-with-fines/>.

²⁵ [Minutes](#) of the NEC sitting on 8 April 2022.

²⁶ Sections 42 and 51 of the Electoral Procedure Act.

V. The practice

Due to its composition, the NEC usually rules in favour of the governing parties in high-profile national cases. The reasoning behind many of these decisions is clearly biased, and can even amount to distorting or disregarding the meaning of the legislation to some extent. Inconsistency in favour of the government can also be observed in the NEC's practices. The examples below, from the 2024 and 2022 campaign periods, illustrate this.

During the 2024 European Parliament and local elections, for example, the NEC rejected complaints concerning the government's Facebook page, which was likely to influence voters in favour of the governing parties.²⁷ The NEC also rejected complaints regarding the lack of neutrality and the heavy participation by public service media in the campaign²⁸, as well as a complaint concerning emails sent by the government to citizens who had consented to "stay in touch" when registering for the COVID-19 vaccination programme²⁹. These emails continued the political messaging started by the governing parties in the previous days.³⁰ Such emails were also sent during the 2022 general election campaign. The NEC did not find any violation of the campaign rules at that time either.³¹ However, the NEC found that opposition parties had violated the law by contacting voters without their prior consent for data processing.³²

Following Election Day in 2024, mayoral candidate for Budapest Dávid Vitézy, who was endorsed by *Fidesz* at the very end of the campaign and came only a few hundred votes short of Gergely Karácsony, who was endorsed by opposition parties, challenged the result. The complaint was based on identical statements signed by members of polling station election commissions, who claimed that their polling stations had engaged in the unlawful practice of counting spoiled votes. Shortly after receiving the complaints, the NEC decided to recount only the spoiled mayoral ballots across Budapest. Prior to this decision, NEC members had not had time to review the complaint or the statements submitted to prove the alleged violations. While the recount was legally compliant, NEC members expressed concerns about regulatory shortcomings and the insufficiently intact status of some ballot packs. The recount produced the same winner, but the margin between the candidates narrowed to 41 votes.³³ The candidate who came second appealed against the decision, resulting in the *Kúria* ordering a recount of only the valid votes across Budapest. Following this recount, Gergely Karácsony was again confirmed as the winner.³⁴

In 2022, the NEC rejected the few complaints which were made against public media and pro-government broadcasters. For example, the Hungarian Helsinki Committee submitted a complaint against a broadcaster that aired the government's referendum-related political advertisement, which had been categorised as a social/public service advertisement. The NEC rejected the complaint on false formal grounds, namely on the basis that the representative's right to represent had not been proven, even though this information does not have to be proven, being publicly available in an official registry. In another case, news reporters from a pro-government television channel posted a video endorsing Prime Minister Viktor Orbán on the channel's news website. The NEC ruled that this fell under the editor's freedom of expression. In yet another case, an opposition party complained that a pro-

²⁷ NEC decisions [222/2024](#), [309/2024](#).

²⁸ NEC decision [313/2024](#).

²⁹ NEC decision [338/2024](#).

³⁰ 20K, Hungarian Helsinki Committee, Mérték Media Monitor, Political Capital, Hungarian Civil Liberties Union, Unhack Democracy, [Hungarian Citizen Election Report. European and Local Elections](#), Hungary, June 2024, Chapter Legal Background. Legal Remedies, pp. 12-13.

³¹ In 2025, the first instance court ruled in a [data privacy case](#) initiated by the Hungarian Civil Liberties Union that data processing rules were violated when the government used these email addresses.

³² NEC decisions [335/2022](#) and [345/2022](#). For more details, see: Hungarian Helsinki Committee, [Lessons learned from legal remedies. General elections and referendum in Hungary, in 2022](#), Chapter 9(a)-(c), pp. 13-15.

³³ [Hungarian Citizen Election Report](#), Chapter Election Day. Election results, pp. 15-16.

³⁴ NEC decision [391/2024](#) and the related *Kúria* and CC decisions, and NEC decision [422/2024](#).

government television channel only invited pro-government interviewees onto its morning show. The NEC rejected this complaint on the basis that only five morning shows had been submitted as evidence, whereas the campaign period lasted for 50 days and opposition interviewees could have been invited on other days.³⁵

One of the most striking examples is the 2022 case mentioned above in the section on decision-making. After the anti-LGBTQI referendum, which was initiated by the government and held alongside the general election, was declared invalid due to less than 50% of voters casting valid votes, despite of a high participation rate of around 70% in the general election, the NEC ruled that the campaign by CSOs to vote invalid was unlawful. The two campaign coordinators were each fined with the maximum amount of 3 million HUF (approximately 7,800 EUR each), as were 16 CSOs who had signed an open letter in January 2022 calling on voters to cast invalid votes. Each of the 16 CSOs was fined with 176,400 HUF (approximately 460 EUR).³⁶ The NEC's position evolved inconsistently: on 23 March 2022, the NEC ruled that political advertisements in referendum-related campaigns aimed to influence voters to vote as the campaign organisers wished, and that possible votes could be "yes," "no" or invalid. However, only nine days later, in response to a complaint about the public media failing to provide information on views differing from the government's on the referendum, the NEC stated that an invalid vote is an unlawful vote and therefore such a campaign is also unlawful. Just another six days after that, the NEC took the position that casting an invalid vote is "of course" lawful, but campaigning for invalid votes is not.³⁷

VI. Recommendations

At a minimum for a restored NEC, we recommend the following:

- The right to vote of all National Election Commission members must be restored immediately, enabling nominating party delegates and minority delegates to vote in the NEC already in the 2026 campaign period.
- The rules for the selection of National Election Commission members must be reviewed, with the aim of creating a more balanced distribution of power. This should be achieved by examining international standards and best practices, and by holding extensive consultations with the public, experts, and all political parties.

³⁵ NEC decisions [153/2022](#) and [269/2022](#). For more details: [Lessons learned from legal remedies. General elections and referendum in Hungary, in 2022](#), 9(a), p. 13.

³⁶ NEC decisions [325/2022](#), [327/2022](#), [328/2022](#), [329/2022](#). For more details: [Lessons learned from legal remedies. General elections and referendum in Hungary, in 2022](#), Chapter 9(d), p. 15.

³⁷ [193/2022](#), [270/2022](#), and the decisions referred to in footnote no. 36. For more details: [Lessons learned from legal remedies. General elections and referendum in Hungary, in 2022](#), Chapter 7, p. 11.