



**President of
the National Election Commission**

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Report by the President of the National Election Commission on the activities of the National Election Commission during the 2014 election of the Members of Parliament

Pursuant to 13. § (2) of Act XXXVI of 2013 on Electoral Procedure (hereinafter referred to as 'Ve.'), the President of the National Election Commission (hereinafter: 'NVB') shall report to Parliament on the activities of the NVB during the elections.

Fulfilling this legal obligation, I am honoured to present to the Esteemed Parliament the following report.

The Fundamental Law – adopted on 18 April 2011 –, the highest-level legal norm of Hungary, has declared on a constitutional level the most important principles regarding elections falling under public law.

The substantive rules pertaining to the election of the Members of Parliament have been renewed in Act CCIII of 2011, adopted at the end of year 2011. This statute had to be applied for the first time by those participating in the electoral procedure during the 2014 election. Along with the substantive rules, the statute pertaining to the procedural rules of the elections under public law was also renewed. This legal norm ensured for nearly fifteen years the legal framework for the preparation and conducting of elections (Act C of 1997, hereinafter: 'the previous Ve.').

Acting within his powers as set out in point e) of Article 9 of the Fundamental Law of Hungary, the President of the Republic set the day of the 2014 election of the Members of Parliament for 6 April 2014 in his resolution No 16/2014. (I. 20.) KE.

After the calling of the election, the election bodies had 11 weeks – that is, 77 days overall – for preparing and conducting the 2014 election of the Members of Parliament in accordance with the amendments to the legal framework.

The election of the Members of Parliament set for 6 April 2014 was the seventh of this kind since 1990, and was conducted in a considerably amended legal framework in comparison with the previous elections.

I. The National Election Commission – a renewed central election body

Act XXXVI of 2013 on Electoral Procedure, adopted in April 2013, has renewed the central election bodies and has created the National Election Commission (NVB) with a mandate covering several parliamentary terms. The Act also enlarged the staff of the NVB in comparison with the previous commission [Országos Választási Bizottság or OVB]. The proposal by the President of the Republic for the seven elected and three substitute members, the term of nine years as well as the requirement of having a legal diploma and the vote of two-thirds necessary to be elected are the new elements of the renewed electoral system. These new provisions, working towards legal security, ensure the independence and the stability of the NVB, and serve its professionalism as well. Together, they guarantee the realization of the primary tasks of the NVB as defined in the Ve., such as: determining the election results, ensuring the fairness and legality of elections, ensuring impartiality and, if necessary, restoring the legal order of the elections.

The seven members and three substitute members of the NVB were elected by the Parliament on 30 September 2013; the inaugural session of the Commission, in compliance with the law, was held that day and a president – in my person – and a vice-president were also elected. With the inaugural session, the previous OVB ceased to exist and so did the mandate of its members. Until the calling of the 2014 general elections of the Members of Parliament and under the terms of Ve. 27. § (1), in addition to the elected members of the NVB, each party having a political fraction in the Parliament delegated one member in the NVB. On this basis, this electoral body fulfilled its statutory tasks with 12 members until the calling of the elections.

After the calling of the election of the Members of Parliament, the mandate of the members delegated by the parliamentary political fractions ceased to exist, and, consequently, in the period between 18 January and 26 February, the Commission carried out its tasks and prepared itself to manage a so far unprecedented workload through its elected members.

From 27 February 2014 on, besides its permanent members, the persons appointed by nominating organizations drawing up national lists, took part in the activities of the Commission. At the 2014 election of the Members of Parliament, the NVB registered the highest number of national lists so far in the history of elections falling under public law. Parties and alliances of parties notified 31 party lists overall, out of which 18 satisfied the legal requirements. Apart from the party lists, the national self-governments of national minorities were also entitled to draw up nationwide minority lists. Each of the 13 national minorities took advantage of this legal opportunity so that in its final decisions having the force of law, the NVB registered 31 national lists satisfying the legal requirements in force and fulfilling the conditions implied by substantive law and procedural law.

On the basis of them having been able to draw up national lists, the nominating organizations appointed 19 members overall – 14 persons by the political parties and 5 by the national minorities – in the NVB, which has been operating since 27 February 2014 and until 6 May 2014 with 26 persons. At this stage, the Ve. requires the legal diploma exclusively from the elected members of the NVB – appointed members don't have to meet this requirement –, yet the majority of the appointed members also have this qualification.

II. A review of NVB resolutions taken in the period between the day of the calling of the elections and the day when the electoral results were determined

In the period of 13 weeks between 20 January 2014 – the day of the calling of the general elections – and 25 April 2014 – the day of determining the results obtained through the national lists –, the NVB held 44 sessions, which meant on average three sessions a week. In this period, 1060 resolutions were taken. By comparison, it is worth noting that within an identical span of time, in year 2010, the OVB took 237 resolutions during 39 sessions.

As a body proceeding in the first instance, the NVB took 315 resolutions. Among those decisions we have to mention

- 79 resolutions taken on the basis of adjudging requests for legal remedy (objection);
- 97 resolutions providing for the registration or the refusal to register a nominating organization at the election of the Members of Parliament;
- 44 resolutions providing for the registration or the refusal to register national lists;
- 95 other resolutions, for ex., resolutions *ex officio*: drawing of lots in order to determine the order of lists, approval of the content of ballot papers, postal voting and determining the results of national list voting; registration of observers, resolutions taken in cases related to immunity, decisions to reject appointments, and other resolutions not linked to the election procedure of the Members of Parliament: adjudging a referendum initiative, decisions on the basis of verifying supporting statements for referendum initiatives, resolutions regarding the 2014 election of the Members of the European Parliament.

As the day of the 2014 election of the Members of the European Parliament was called on 7 March 2014, procedural acts of both elections are running simultaneously. In the period mentioned above, this has resulted for the NVB to take 49 resolutions in the subject.

During the 2014 election of the Members of Parliament, most of the workload came from processing and adjudging requests for legal remedy against decisions made in the first instance by parliamentary single-member constituency election commissions. The legal amendment as a result of which – since territorial lists had ceased to exist – territorial election commissions were no longer part of the election procedure as legal remedy fora, implied that the NVB became the legal remedy forum of circa 2500 decisions taken in connection with the registration of individual candidates. This number of 2500 can be considered as record high in the history of elections falling under public law.

Resolutions taken by parliamentary single-member constituency election commissions to impose fines in connection with registrations of candidates, with rejections to register candidates, or with sending back recommendation sheets by the deadline, were – in the opinion of the NVB –, in their overwhelming majority, well-founded; they included appropriate decisions reflecting the statutory provisions in force, and were based on adequate legal reasoning. Considering all this, out of the 368 requests for legal remedy linked to the registration or the rejection to register a candidate, the National Election Commission had only found 9 cases where appeals were well-founded and had, consequently, decided to alter the resolution taken by a parliamentary single-member constituency election commission. In 95 cases, the NVB upheld the decisions made in the first instance, whereas 264 requests didn't comply with the formal requirements prescribed by the Ve., therefore those were rejected by the NVB without an examination on the merits.

The Commission received 239 appeals against decisions taken by parliamentary single-member constituency election commissions to impose fines for breach of statutory obligation linked to the handing over of the recommendation sheets. According to the legal standpoint consistently held by the NVB and confirmed by the Curia, there is a strict liability concerning nominating organizations and independent candidates as to their obligation to hand over the recommendation sheets. There is, therefore, no possibility of exemption in the case of a breach of that duty. In each case, the parliamentary single-member constituency election commission concerned had to impose a fine automatically, with no scope of appreciation.

To sum up, the NVB had to adjudge in one week – a relatively short period of time – 607 legal remedy requests against decisions made by parliamentary single-member constituency election commissions in connection with procedural acts linked to the registration of individual candidates. This meant a huge workload for both the National Election Commission (sessions every day and a considerable number of resolutions taken) – the body taking the decisions –, and the National Election Commission – the body responsible for preparing those decisions.

As a forum adjudging requests for legal remedy against other decisions taken by parliamentary single-member constituency election commissions, mainly linked to breaches of the election campaign rules, the National Election Commission issued 138 resolutions.

In total, those participating in the election procedure initiated 219 procedures by the Curia against resolutions taken by the NVB. Out of these 219 requests, the Curia carried out 132 examinations on the merits, at the end of which it found that in 119 cases – that is, in 90% of the cases – the decisions by the NVB were well-founded, whereas in 13 cases – that is, in 10% of the cases – the

Curia altered the NVB's decision. 87 requests out of the 219 were rejected without an examination on the merits by the Curia.

You'll find a detailed statistics regarding the NVB's decisions in the annex to this report.

With regard to the practical application of the election campaign rules, the Curia has put forward several times standpoints which greatly impacted and determined the candidates and the nominating organizations in the exercise of their rights necessary to carry on with their campaign activities.

In this respect, we have to mention the legal reasoning regarding the placement and removal of posters according to which the production and placement of posters in an election campaign is the manifestation of the freedom of expression and therefore, based on a correct interpretation of Ve. 144. §, only the provisions of Ve. 144. § shall govern the placement of posters. The Curia said that electoral bodies can only examine the compliance with the provisions of Ve., whereas they cannot apply other decrees regarding, for instance, road transport or the placement of advertising boards, considering that the provisions of the Ve. pertaining to the placement of posters constitute a closed system of rules. In several resolutions, the Curia confirmed this standpoint put forward in its order as of 17 March 2014. As to the removal of posters, the Curia used a similar reasoning when it said that the rules of Ve. 144. § – constituting a closed system of rules – shall govern that specific subject. Therefore, if a campaign poster is removed by a body or a person not in the exercise of their scope of powers as their right to vote would imply, but in their exercise of another official authority, the legal dispute generated – since its subject would be a campaign method encompassed by the notions used by the Ve. – would be considered as pertaining to the competence of the electoral bodies and, therefore, those bodies would have to proceed.

In relation to the electoral campaign, the Curia took the view that contrary to Act C of 1997, the new Ve. does not contain any provision regarding bodies out of its personal or organizational scope, therefore no organ and, specifically, no administrative organ can be considered as excluded from its scope. According to the basic standpoint of the Curia, it is always the legal qualification of the activity raised by the case that must be the starting point when dealing with legal disputes, whereas the person itself carrying out the activity is irrelevant for the purposes of resolving the dispute. If the activity in question is capable of influencing voters' choice, it is considered a campaign activity and a subject pertaining to the competence of the election bodies independently of who the person carrying out the activity is. Based on this legal reasoning, a violation of the election rules cannot only be realized by means of campaign methods, or by the activity of candidates or nominating organizations.

Among the decisions of the Curia regarding the campaign activity, it is worth mentioning the orders in relation with negative campaigning – more and more widespread since the last decades and a manifestation of the freedom of expression –, the communication of facts aiming at thwarting that, and campaign activities constituting a violation of the exercise of rights in good faith and in accordance with their purpose. The Curia, supporting the standpoint put forward in several NVB resolutions, has stated that during an election campaign distinction has to be made between criticism from candidates and nominating organizations towards each other conveying an opinion, and criticism conveying facts. Whereas an opinion – let it be even extreme or offensive for some people – cannot lead in itself to a violation of the election rules, statements with a false content are capable of misleading the electors, and they therefore violate the rules of the Ve.

In connection with one specific political advertisement video, the NVB took the view that with the visual representation used, it had obviously violated the right to human dignity of some public figures and candidates participating in the 2014 parliamentary election of the Members of Parliament. By identifying those persons with an animal (namely, with a chimpanzee), the video dehumanized the persons concerned, and crossed, therefore, the limits of negative campaigning and extreme opinion. The NVB decision referenced here was upheld by the Curia. Then, after an examination on the merits of the constitutional complaint submitted against the order of the Curia, the Constitutional Court rejected the complaint. In its reasoning, the Constitutional Court said that the political advertisement in question violated the human dignity of the persons concerned, human dignity being a central part to their personality that cannot be affected even by the right to the freedom of expression. The Constitutional Court made it clear that the Curia, in line with the decision of the National Election Commission, and in defence of the fundamental right to human dignity had restricted in a constitutional manner the right to the freedom of expression.

III. Guidelines

For a unified practice of the law by the election bodies, the National Election Commission is entitled, on the basis of provision Ve. 51. §, to interpret for those bodies the statutory rules pertaining to elections in the form of guidelines.

By virtue of the previous Ve., the OVB – legal predecessor of NVB – had an equivalent competence under the appellation „standpoint“. Considering that the previous Ve. has expired, the standpoints issued by the OVB for the interpretation of the previous Ve. cannot be used anymore. However, since the OVB's standpoints were in accordance with the legal purposes, and they helped to put the law into practice and to execute it correctly, and they also contained interpretations of the law, which contributed to dissipate legal anomalies, the NVB took into account these standpoints. NVB reviewed the basic principles underpinning OVB's standpoints, and, in some cases, used these basic principles to create its own guidelines.

In the period between 9 February 2014 and 4 April 2014, the National Election Commission issued 12 guidelines. Considering the governing provision of the Ve. as it is set out in its Code of Procedures regulating in detail its procedures and operation, the Commission can exclusively issue guidelines – taking into account their purposes – after that the election bodies have initiated them.

The Fundamental Law of Hungary stipulates that in order to help public opinion to take form and to promote freedom of expression, furthermore to ensure a balanced competition of nominating organizations in a campaign period based on equal opportunities, political video advertisements used by nominating organizations during campaign periods can only be broadcast in the media free of charge and with the respect of equal opportunities. The Ve. sets forth the legal provisions establishing equal opportunities. In order to have a unified practice of law implied by the introduction of this new legal institution, the NVB considered that it was appropriate to interpret the Ve. rules pertaining to the definition and ways of broadcasting political advertisements. In its guideline, the Commission stated that, according to the Ve., a media content published in a press product qualifies only as printed political advertisement if its publication is ordered by an entity or person in exchange for consideration. Its content is always determined by the entity or person ordering its publication, therefore the press product publishing it doesn't bear any editorial responsibility, whereas the media content for which a given press product does bear editorial responsibility is not considered to be a printed political advertisement. In the case of political video advertisements, it was appropriate to interpret primarily the rules regarding local and regional media providers. In this subject, the NVB established that the general rules of the Ve. have to be applied to the media providers. On the basis of these general rules, the media providers in question shall only publish or broadcast political video advertisements with identical conditions, with no requirement of notification, nor any consideration in exchange, nor any restriction on the duration or the time slot.

In its guideline No 4/2014. on changing the names of nominating organizations, the NVB assessed the relation between changing the name of a nominating organization – knowing that the name is an information of primordial importance – and the manifestation of the voters' choices, and also interpreted the rules regarding this subject. The NVB stated that when giving his/ her supporting signature, the elector expresses his/ her choice of both the party registered as nominating organization and the candidate. The NVB also said that, besides the information concerning the elector, the name of a given party on a recommendation sheet is an integral part of that recommendation sheet. For that reason, the expression of the voters' choice – the defence of which is set forth in the Fundamental Law –, the basic principle of the fairness of the election, and the exercise of rights in good faith by the elector may be violated if the elector – when giving his/ her recommendation or when voting – cannot identify without ambiguity the party in question because the party concerned has changed its name. Based on this, the NVB established that for the same candidate, when his/ her nominating organization has changed its name, the signatures put on the sheet bearing the previous name and those put on the sheet with the new name, cannot be counted as signatures for the same organization.

Furthermore, the Commission expressed the view that in an electoral process the same party cannot appear under multiple names in different constituencies, and therefore, if a nominating organization changing its own name puts forward a candidate, who has collected signatures under the previous name of his/ her organization, and who was registered as a candidate under the previous organizational name, then that candidate shall be excluded from the election process once that the new name of the nominating organization has been acknowledged by the NVB and has acquired the force of the law.

The rules regarding the verification of recommendations have been interpreted by the NVB in its guideline No 5/2014. By virtue of a Ve. provision, a recommendation is considered valid only if the voter's data listed on the recommendation sheet fully match the data in the register of citizens' personal data. The application word by word of this Ve. provision without any further appreciation may prohibit the voters' choice as manifested on the recommendation sheet, and lead to a disproportionate restriction on it. Considering all this, the NVB took the view in its respective guideline that the Ve. only requires for the central register's data and the data featuring on the recommendation sheet to match fully in the sense of the declaration of the voters' choice – to choose a specific nominating organization or candidate – to be unambiguous and verifiable. The Ve. provision in question, however, cannot have for purpose to hinder the manifestation of the voters' choice on the ground of insignificant differences between partial data with the elector being unambiguously identified by the election bodies. By means of a taxative list in one of its guidelines, the NVB defined which are the insignificant differences in the elector's data put on the recommendation sheet with regard to the central electoral register that do not invalidate the recommendation sheet.

On the basis of the provisions of Act CCIII of 2011 on the Election of the Members of Parliament, and the Fundamental Law, for the first time since the rule of law has been prevailing in this country, our compatriots living outside Hungary as a consequence of the 1920 Peace Dictate of Trianon and the 1947 Peace Treaty of Paris confirming it, were able to exercise their right to vote. Through the possibility to exercise the right to vote – a constitutional fundamental right –, the Fundamental Law and related statutes have made it possible for us to express our cross-border unity as a nation. On the basis of the current regulation, Hungarians living outside the country can exercise their right to vote at the parliamentary election by postal voting. In order to promote a practice of rights in harmony with the fundamental constitutional and procedural principles pertaining to the voting process, the National Election Commission issued the guideline No 6/2014. In this guideline on the casting, at a foreign representation, of the ballot sheet of the postal vote and the identification declaration, the Commission set out that the building of a foreign representation where the voter receives his/her ballot pack is not fit for the ballot sheet to be filled out, nor is it for the identification declaration; the primary purpose of such a building being to ensure the legal conditions for the reception and the casting of the ballot pack. Postal voting and on-site voting imply different voting procedures whose specific elements, and specifically, filling out the documents on site and the casting of the ballot sheet, cannot be mixed without violating the fairness of the election.

Among the guidelines of the NVB, we have to mention the guideline No 11/2014. on certain questions with regard to the restricted prohibition of territorial campaign. What motivated the creation of this guideline was the fact that although the new Ve. has put an end to the institution of the classical notion of the campaign silence, it still prohibits any campaign activity on polling day, on public areas, within a perimeter of 150 meters from the entrance of the building housing the polling station. In its guideline, the NVB sought to enumerate which are the activities that – if carried out on polling day and in the building housing the polling station or in the polling station, and on public areas within a perimeter of 150 meters from the entrance of the building housing the polling station – violate the provision Ve. 143. §. The primary purpose of Ve. 143. § being to protect the fairness and the lawful conducting of the elections as well as to ensure the undisturbed manifestation of the voters' choice.

IV. Legal remedies against results

In compliance with the provisions of the Ve., the 106 parliamentary single-member constituency election commissions determined, on 12 April 2014, the results of the elections in the single-member constituencies. Due to the professionalism and the lawful work by the election commissions, to the

public trust surrounding them, and a relatively subdued campaign, 5 legal remedy requests overall against decisions taken by parliamentary single-member constituency election commissions determining results in single-member constituencies were submitted to the National Election Commission. There was also one objection, which contested the single-member constituencies' results in general terms, on the basis of the Fundamental Law.

In the case of one appeal, the NVB found well-founded the petition aiming at a partial re-counting of the votes. In its resolution No 1039/2014., the NVB re-counted the invalid ballot sheets in polling district 10 of the XVIIIth district of Budapest in the parliamentary single-member constituency of Budapest No 15, whereas in polling district 40, the NVB re-counted the valid ballot sheets cast for one of the candidates. In its decisions related to the appeals submitted against these results, the NVB underlined after an examination on the merits of those appeals that the high number of invalid votes cannot in itself lay the ground for ordering a re-counting of the votes. Nor can have that effect a minimal difference in the number of the votes between the first and the second placed candidates.

One of the basic rules regarding legal remedy in the Ve. is that the obligation and burden of proof is always on the petitioner. Although a legal remedy submitted against an election result is a special kind of the legal remedies, it is necessary for the petitioner to prove the supposed legal violation in the way the procedure rules determines it. In this respect, a statement by the members delegated in the ballot counting commissions on voting day, and representing the independent candidates and the nominating organizations, can be considered as correct proof. The legal institution promoting the principle of publicity of the electoral procedure allows it for an independent candidate or organizations putting forward candidates to observe under close scrutiny, on polling day, and through two persons charged with this task, the legal conducting of the voting process, and that they actively take part through their delegated members in the activities of the ballot counting commissions. The Curia, confirming the view adopted by the National Election Commission, stated that in a legal remedy procedure against an election result – taking into account the limited possibilities in terms of the proofs of those requesting that legal remedy – a statement from the appointed members of the ballot counting commission can be considered as a proof sufficient to underpin that a legal violation happened when determining the result of the election. As to whether a ballot sheet and a vote are valid, it is always the polling station commissions who have the last word in the case of the votes cast in the territory of Hungary, so it can happen that members of a ballot counting commission have the adequate information which can then lay the ground for establishing the fact of a legal violation by a decision determining a polling district result. Bearing all this in mind, no request for legal remedy can be formulated claiming that there is no proof attached to the request, because the parliamentary single-member constituency election commission determining the result of the single-member constituency, or the NVB determining the result of the national list voting, have to be ex officio aware of the legal violation as they are in possession of the votes and of the polling district records.

On three occasions, procedures by the Curia were initiated against NVB decisions regarding requests for legal remedies against results in single-member constituencies. On two occasions, the Curia examined the requests for judicial reviews on their merits, and found that the NVB resolutions were legally correct in each contested case, whereas on one occasion the request for judicial review was rejected without an examination on the merits.

V. Experiences when applying the law

Please, let me now analyse three cardinal points of the statutory provisions applied for the first time in the 2014 elections, where – when applying them in the practice – it became obvious that the lack or the inaccuracy of legislation gives way to abuses, and that the current rules do not fully promote a behaviour in harmony with the purposes of the legal institution in question. To dissipate those gaps in the legislation and the codification problems, it goes beyond the competence of the NVB as set out in Ve. 51. §. Indeed, as this article provides only for issuing guidelines, to resolve the above mentioned problems necessitates the legislator's action.

1. The examination in a second instance legal remedy procedure of whether the requestor is individually concerned

In chapter XII of the Ve., which includes the rules regarding legal remedies, the legislator stipulated that a court seized can examine whether the requestor or the entity is individually concerned in connection with a case exclusively in judicial review procedures against resolutions by election commissions at second instance and against NVB resolutions.

According to the view adopted by the NVB, it can be justified to require the certification of being individually concerned for procedures at second instance before the Commission. This would mean for the requestor to certify that the legal violation referenced has a direct impact on his/her rights and obligations. To the NVB, this is justified by its experiences when, during the parliamentary election procedure, it had to adjudge nearly one hundred appeals coming from one petitioner. In fact, the petitioner in question had submitted identically worded requests with no indication of him being individually concerned in an attempt to challenge decisions by parliamentary single-member constituency election commissions regarding the registration of candidates. The view adopted by the NVB is that even when exercising the right to request a legal remedy, the basic requirement to practice this right properly has to be respected. This implies that the practice of this right shall not exploit the law on the pretext that the law is formally respected. The Commission stated that a behaviour which generates formalized appeals in huge quantity without reflecting any individual concern does not satisfy the prevailing legal requirement mentioned above.

2. The institution of the multiple recommendations

Two important new elements in the Ve. regarding the institution of the recommendation: the introduction of the so-called recommendation sheets and the multiple recommendation (this latter is possible for different candidates or nominating organizations). The recommendation sheets were meant to replace the previous recommendation slips, they are authenticated, and they also bear a stamp and have a serial number put on them. Although, on the day of voting, the electors could only express their choice for one candidate and for one list, the law had made it possible for the electors to support several candidates in the period of the recommendations. This new legal institution had as a result a highly increased activity of the nominating organizations, meaning that 1531 registered candidates took part in the electoral procedure, which is 14 candidates on average for constituency. However, according to the view expressed by the NVB, even in the light of the positive result produced by the institution of the multiple recommendation – namely, the activism of candidates and nominating organizations –, attention has to be drawn on the increased possibility of abuses, generated by the new legal institution, with information pertaining to electors. The National Election Commission considers that it is justified for the protection of the electors' personal data and for the protection of the real will of the elector, to re-think for the legislator the system of multiple recommendations and an amendment of the rules, in order for the elector to be able to recommend only one candidate and one entity.

3. Composition of the election commissions

By virtue of the provisions of the Ve., election commissions shall have elected members and appointed members. After the calling of the parliamentary elections, in order to have a representation, each nominating organization drawing up a list was entitled to delegate one member in the National Election Commission on the basis of them being able to draw up lists. The current provisions of the Ve. – despite the legislator's clear intentions in the subject –, do not reflect with sufficient accuracy the fact that if two electoral procedures going on at the same time, a nominating organization appointing a member on the basis of a well-determined legal claim cannot appoint another member in the same commission on the basis of the parallel election going on, and with another legal claim. In this respect, the NVB says that because there have to be equal opportunities between the nominating organizations, such an organization or a candidate can appoint only one member in an election commission, even if they could delegate members on the basis of several legal claims. This view of the NVB was confirmed in an order issued by the Curia. In its decision, the Curia explained that „when a nominating organization appoints a member in an election commission, the act of appointing must be based on the idea of representation and not on that of contest. A member delegated by a

nominating organization takes part in carrying out the tasks pertaining to the election commission, and not in the electoral competition of the political parties.” The National Election Commission holds the view that this standpoint of the legislator – shared by the Commission and the Curia –, set out in the reasoning of the law, should be put in the legislative text with an unambiguous wording.

VI. Summary

To sum up briefly the experiences we’ve got from the 2014 parliamentary elections, we can say that the election bodies and among them the election commissions have fulfilled their mission as enshrined in the Ve., they carried out their tasks impartially, keeping in sight the fairness and legality of the elections. This was the seventh time in the history of our country that the election bodies had to ensure the legal framework for the exercise of the vote to right, this being the right to participate – on the basis of the sovereignty of the people – in the political life of the country as set forth in the Fundamental Law. The result of the professional, efficient and thorough work done by those participating in the conducting of the elections transcends the legal and logistical aspects of the conducting of the elections as it lays the ground for the democratic legitimacy of the Parliament, an elected body that is the result of the practice of rights based on free will.

Please, let me thank, as President of the National Election Commission, every member and colleague of all of the election bodies, who have contributed to the appropriate and successful conducting of the 2014 parliamentary elections with a full observation of the law. Let me also express, as president of this commission at the second instance and with a national competence, my appreciation for the conscientious and prudent decisions and resolutions of unquestionable professionalism made by the parliamentary single-member constituency election commissions in the context of the application of the new statutes – statutes new, in fact, for every one of us. By means of those decisions and resolutions, the commissions not only applied the codified law with high professionalism, but they also took into account the fundamental principles underlying the elections and the electoral procedure.

My special thanks go to the National Election Office for its services provided to the National Election Commission and for its support in election administration and in the NVB’s activities. I think that thanks to the efficient work done by the election bodies and thanks to their constant effort to rigorously observe and ensure observation of the law, the preparation and conducting of the 2014 election of the members of Parliament went successfully and in compliance with the statutory provisions in force.

In my name and on behalf of the National Election Commission, let me wish to You, as Members of Parliament elected in the 2014 parliamentary elections, success for your legislative activity in the service of the nation and a successful four-year term.

Salus Hungariae Suprema Lex Esto!

And now I would like to ask the Esteemed Parliament to accept this report, thank you.

Budapest, 30 April 2014

Prof. Dr. András PATYI
President of the National Election Commission

Annex

Statistics of resolutions within the scope of authority of the National Election Commission, and taken between 20 January 2014 and 28 April 2014

Resolutions of first instance taken by the NVB		
1	Objection upheld	15
2	Objection rejected	21
3	Objection rejected with no examination on the merits	43
4	Registration of nominating organizations	97
5	Registration of national lists	44
6	Other resolutions of first instance (ballot sheets, observers, referendum questions, determining the results, fines, immunity issues)	95
Total		315

NVB resolutions in the second instance, related to the registration of candidates		
1	Resolution of a parliamentary single-member constituency election commission (PSEC) upheld	95
2	PSEC resolution altered	9
3	Appeal rejected with no examination on the merits	264
Total		368

NVB resolutions in the second instance on imposing fines related to recommendation sheets

1	Resolution of a parliamentary single-member constituency election commission (PSEC) upheld	81
2	PSEC resolution altered	2
3	Appeal rejected with no examination on the merits	156
Total		239

Other resolutions in the second instance

1	Resolution of a parliamentary single-member constituency election commission (PSEC) upheld	70
2	PSEC resolution altered	39
3	Appeal rejected with no examination on the merits	29
Total		138

TOTAL**1060**

**Statistics regarding Curia orders – taken between 20 January 2014 and 28 April 2014
– on the basis of judicial review requests against NVB resolutions**

Orders of the Curia		
1	NVB resolution upheld	119
2	NVB resolution altered	13
3	Request for judicial review rejected without any examination on the merits	87
Total		219