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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**OF THE COUNCIL OF EUROPE**  
**(VENICE COMMISSION)**

**HUNGARY**

**OPINION**

**ON**

**ACT LXXIX OF 2024 AMENDING CERTAIN LAWS RELATING TO  
ELECTIONS**

**Approved by the Council for Democratic Elections  
at its 83<sup>rd</sup> meeting (online, 6 June 2025) and  
adopted by the Venice Commission at its 143<sup>rd</sup> Plenary Session  
(online, 13-14 June 2025)**

**On the basis of comments by**

**Mr Srdjan DARMANOVIĆ (Member, Montenegro)**  
**Mr Oliver KASK (Substitute member, Estonia)**  
**Ms Katharina PABEL (Substitute member, Austria)**

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## I. Introduction

1. By letter of 30 January 2025, Ms Zanda Kalniņa-Lukaševica, the President of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, requested an opinion of the Venice Commission of the Council of Europe on Act LXXIX of 2024 amending certain laws relating to elections (see [CDL-REF\(2025\)016](#), which includes the relevant laws<sup>1</sup> with the amendments).

2. Mr Srdjan Darmanović, Mr Oliver Kask and Ms Katharina Pabel acted as rapporteurs for this opinion.

3. On 25-26 March 2025, a delegation of the Commission composed of Mr Darmanović and Ms Pabel, accompanied by Mr Michael Janssen from the Secretariat of the Venice Commission, travelled to Budapest and had meetings with representatives of the National Election Office, the Ministry of Justice, the Committee of Justice of the Hungarian Parliament, the governing and opposition parties, and with representatives of several non-governmental organisations and academics. The Commission is grateful to the Hungarian authorities for the excellent organisation of the meetings.

4. This opinion was prepared in reliance on the English translation of the law. The translation may not accurately reflect the original version on all points.

5. This opinion was drafted on the basis of comments by the rapporteurs and the results of the meetings on 25-26 March 2025. The draft opinion was approved by the Council for Democratic Elections at its 83<sup>rd</sup> meeting (online) on 6 June 2025. Following an exchange of views with Mr Róbert Répássy, Secretary of State of the Ministry of Justice, it was adopted by the Venice Commission at its 143<sup>rd</sup> Plenary Session (online, 13-14 June 2025).

## II. Background and scope of the Opinion

6. The electoral legal framework of Hungary is quite complex as it includes several laws. Act LXXIX of 2024 amending certain laws relating to elections introduced changes to the following laws:

- Act L of 2010 on the election of local government representatives and mayors,
- Act CCIII of 2011 on the election of the Members of the National Assembly,
- Act XXXVI of 2013 on election procedure (Election Procedure Act),
- Act CCXXVIII of 2013 on initiating referendums, the European Citizens' Initiative and referendum procedure,
- Act CXXII of 2019 on persons eligible for, and the funding for, social security benefits.

7. Act LXXIX of 2024 was adopted by Parliament on 17 December 2024, it was signed by the President of Hungary and published in the Hungarian Gazette on 20 December, and it entered into force on 31 December, except for certain provisions.<sup>2</sup> The new and amended provisions will be applicable to the next parliamentary elections which are expected to be held in April 2026.<sup>3</sup>

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<sup>1</sup> Except for Act CXXII of 2019 on persons eligible for, and the funding for, social security benefits; this Act has also been amended, but it is not an election law.

<sup>2</sup> See Section 80 of Act LXXIX of 2024. Some provisions entered into force only on 1 February 2025, and some other provisions – dealing with rather technical issues – will enter into force on 1 January 2026.

<sup>3</sup> According to the Fundamental Law, Chapter Parliament, Article 2, "the general election of Members of Parliament shall be held in the month of April or May of the fourth year following election of the previous Parliament, except for elections resulting either from Parliament dissolving itself or from it being dissolved." The last parliamentary elections were held on 3 April 2022.

8. In substance, Act LXXIX of 2024 is composed of two parts. On the one hand, it includes the redrawing of the boundaries of certain constituencies and changes to the distribution of electoral constituencies – and thus seats – to Budapest and Pest County; according to the “Justification” of the bill, these amendments are aimed to ensure proportional representation of constituencies. On the other hand, the Act introduces a number of specific, rather technical changes; according to the “Justification” of the bill, they are meant to address problems identified during the most recent elections, i.e. the general elections of the members of the European Parliament, local government representatives and mayors, as well as representatives of national minority self-governments held on 9 June 2024 in a joint procedure.

9. The present Opinion focuses on the first of these parts, which is most controversial. It also comments on some provisions of the second part, but it does not provide a full and comprehensive review of that part which includes many technical changes. The Opinion also recalls a number of recommendations related to the electoral law of Hungary which were issued previously by the Venice Commission and ODIHR, in 2012<sup>4</sup> and in 2021<sup>5</sup>, and which are still to be implemented.

### **III. Analysis**

#### **A. Legislative procedure**

##### **1. The procedure of adoption of Act LXXIX of 2024**

10. The Venice Commission notes that Act LXXIX of 2024 was submitted to Parliament by the Committee of Justice on 19 November 2024. The Act was adopted by Parliament a few weeks later, without public consultation, and came into force after two weeks only, with a few exceptions. While the majority of the amendments are technical or operational in nature, based on an initial set of proposals prepared by the National Election Office in response to lessons learned from recent elections, some are more substantial, and are primarily addressed below. Representatives of opposition parties who are members of the Committee of Justice indicated to the rapporteurs that they received the bill only a few hours before the Committee meeting in which the decision was taken to submit the bill to Parliament; while the more technical amendment proposals were publicly available prior to that date, this was reportedly not the case with the concrete proposals concerning constituency boundaries and distribution of seats.

11. The Venice Commission has consistently expressed the view that any successful changes to electoral legislation should be built on at least the following three essential elements: 1) clear and comprehensive legislation that meets international obligations and standards and addresses prior recommendations; 2) the adoption of legislation by broad consensus after extensive public consultations with all relevant stakeholders; and 3) the political commitment to fully implement such legislation in good faith, with adequate procedural and judicial safeguards and means by which to timely evaluate any alleged failure to do so. An open and transparent process of consultation and preparation of such amendments increases confidence and trust in the adopted legislation and in the state institutions in general. These principles have already been brought to the attention of the Hungarian authorities in previous Opinions;<sup>6</sup> the Venice Commission regrets that as in the preceding reform processes, they were not sufficiently taken into account in the present case.

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<sup>4</sup> See Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary.

<sup>5</sup> See Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary.

<sup>6</sup> See, most recently, Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, para. 19.

12. The swift procedure that has been followed is not in line with the Venice Commission's Rule of Law Checklist,<sup>7</sup> nor is it compatible with the Commission's Report on the Role of the opposition in a democratic Parliament.<sup>8</sup> The procedure appears to be in line with the Hungarian law, as public consultation is mandatory only for bills prepared by ministries but not by parliamentary committees.<sup>9</sup> That said, it is regrettable that public consultation was avoided on such an important and sensitive matter as electoral law and, in particular, the redrawing of constituencies, which is directly relevant to the public and to citizens' participation in the democratic process. When asked about the reasons for that fast-track process, the authorities indicated that according to Hungarian law electoral legislation may not be amended starting from the calendar year preceding the year of a scheduled election. In the view of the Venice Commission, however, the legislative procedure could have been launched early enough to respect this rule, while at the same time ensuring broad consultation of all stakeholders and of the public at large; in this connection, it should be noted that already several years ago the Venice Commission and ODIHR had noted with concern the fact that the re-delimitation of constituencies had been postponed.<sup>10</sup>

13. The Venice Commission reiterates the importance, in a democratic society, of ensuring an inclusive public debate and a meaningful participation of the opposition in the parliamentary discussions.<sup>11</sup> This is particularly true for electoral legislation: when defining the rules of the game, a level playing field and respect for electoral rights must be ensured. A broad consensus and extensive consultations with all relevant stakeholders are crucial to ensure acceptance of the election legislation, which encourages public trust and confidence in the electoral process, as previously recommended in the 2012 and 2021 Opinions.<sup>12</sup>

## **2. The use of cardinal laws**

14. The final provisions in Act LXXIX of 2024 deem many of the aforementioned amendments to be cardinal pursuant to various articles of the Fundamental Law.<sup>13</sup> Such cardinal provisions will be subject to special legislation needing two-thirds parliamentary majority to be amended in the future. Some of the amendments deemed cardinal are relatively technical in nature, such as the possibility for election commissions to hold online meetings, procedural issues related to filling the vacancies in various electoral offices, or the remuneration of the deputy president of the National Election Office, to name just a few examples. While stability of the law is crucial to the credibility of the electoral process, it is those rules covering the election system itself, the composition of electoral commissions and the drawing of constituency boundaries that should be particularly safeguarded from political manipulation. Qualified majority is one mechanism to provide for stability and broader consensus. However, other types of electoral provisions should normally have the rank of statute law that can be amended by simple majority. Indeed, rules on implementation, in particular those on technical questions and matters of details, can be in the form of regulations which provide the election administration with the necessary flexibility to respond to obvious needs.<sup>14</sup> The Venice Commission reminds once again that a too wide use of

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<sup>7</sup> Venice Commission, Rule of Law Checklist, [CDL-AD\(2016\)007](#), point 5, items iii, iv and v.

<sup>8</sup> Venice Commission, Report on the Role of the opposition in a democratic Parliament, [CDL-AD\(2010\)025](#), paras. 106 - 115.

<sup>9</sup> Act CXXXI of 2010 on Social Participation in the Preparation of Laws, Articles 1 and 8(1)-(2).

<sup>10</sup> See Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, para. 40. See also the [ODIHR EOM Final Report](#) on the Parliamentary Elections and Referendum of 3 April 2022, pages 2 and 11.

<sup>11</sup> See also PACE Resolution 1601(2008), Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament.

<sup>12</sup> Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary, paras. 11, 13, 31; Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, paras 11, 21.

<sup>13</sup> See Section 81 of Act LXXIX of 2024.

<sup>14</sup> See Venice Commission, Code of Good Practice in Electoral Matters, [CDL-AD\(2002\)023rev2-cor](#), paras. 63-67. See also Venice Commission, [CDL-AD\(2024\)027](#), Revised Interpretative Declaration on the Stability of Electoral Law.

cardinal laws, which once more took place when adopting the Act, is problematic with regard to both the Constitution and ordinary laws<sup>15</sup> and recommends reconsidering their use for electoral law provisions of an administrative nature.

15. As already stressed in previous Opinions, the Venice Commission reiterates that provision for qualified majorities is designed to require the search for a broad agreement between the majority and the opposition. This legitimate aim would be undermined if the ruling coalition, on the basis that it holds a qualified majority, refrained from seeking broad political agreement. While the objective to ensure the stability of the electoral law by way of cardinal laws, as stated by the authorities, should be commended in principle, requiring a qualified majority to amend technical or operational provisions in electoral laws poses an unnecessary hurdle for making changes needed for effective election administration.

16. As the constituencies are listed in the Annex of a cardinal law, a majority of two thirds is required for each change. The Venice Commission and ODIHR had recommended in their 2012 and 2021 Opinions<sup>16</sup> not to provide for such a rigid regulation, which makes the necessary adaptation of the delimitation of constituencies to demographic evolution, for ensuring equal voting powers, dependent on a political decision. This concern proved justified, since the necessary albeit limited redrawing imposed by national law due to a deviation from the average number of inhabitants among constituencies of over 20 per cent was not adopted before the previous elections, as required by the law.<sup>17</sup>

17. In their comments on the draft opinion, the authorities emphasised that Hungary had chosen the solution of raising the issue of the establishment of constituency boundaries to the highest possible level of legitimacy by having the boundaries drawn by a cardinal law. However, as the Venice Commission has previously stressed, while it is advisable that the rules governing the constituencies' delimitation are included in a cardinal law, particularly the distribution formula, the inclusion of a detailed list of constituencies in the cardinal law undermines an efficient method of updating the constituencies in respect of the principle of equality of voting rights.<sup>18</sup> The Commission therefore once again recommends refraining from defining the constituencies in a cardinal law.

## **B. Redistribution and redrawing of constituencies**

### **1. Principles and international standards**

18. The distribution of constituencies – and thus seats – and the drawing of their boundaries is always a sensitive issue that should be dealt with carefully by the competent authorities. In its 2020 Report on electoral law and electoral administration,<sup>19</sup> the Venice Commission explained that all electoral systems that provide for single-member constituencies, as for example Hungary,

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<sup>15</sup> See for example Venice Commission Opinion on the constitutional amendments adopted by the Hungarian Parliament in December 2020, [CDL-AD\(2021\)029](#), para. 59, quoting the Opinion on the new Constitution of Hungary, [CDL-AD\(2011\)016](#), para. 12; Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, para. 37.

<sup>16</sup> Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary, paras 11, 18; Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, para. 41.

<sup>17</sup> According to Section 4.6 of Act CCIII of 2011 on the Elections of Members of the National Assembly, such amendments must be made more than one year before elections. The National Election Office repeatedly included the necessary boundary delimitation changes in its amendment proposals which it regularly submits after elections.

<sup>18</sup> See Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary, para. 18; Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, para. 39.

<sup>19</sup> Venice Commission, [CDL-AD\(2020\)023](#), Report on electoral law and electoral administration in Europe – Synthesis study on recurrent challenges and problematic issues, para. 252.



or multi-member districts rely on the careful drawing of electoral boundaries, which is an essential element to guarantee fair elections ensuring equality of the vote.

19. The Code of Good Practice in Electoral Matters makes it clear that the standard of equal voting power calls for seats being evenly distributed between the constituencies.<sup>20</sup> The Venice Commission has argued that equal voting power “cannot be separated from representativeness and, more broadly, from other aspects of equal suffrage which may impact the allocation of seats to constituencies.”<sup>21</sup> Determining the constituency boundaries can give rise to marked “structural” inequalities in representation. These disparities, which can be caused deliberately or by haphazard, can be the result of either demographic change, *gerrymandering*, or “natural” *gerrymandering*.<sup>22</sup>

20. More concretely, breaches of equal voting power can result from either *active electoral geometry* or *passive electoral geometry*. *Active electoral geometry*, on the one hand, is the distribution of constituencies causing inequalities in representation as soon as it is applied.<sup>23</sup> On the other hand, *passive electoral geometry* refers to the inequalities arising from protracted retention of an unaltered territorial distribution of seats and of constituencies.<sup>24</sup> To avoid *passive electoral geometry*, the allocation of seats and/or the constituencies cannot be static. The changes in population have to be reflected either through the reallocation of seats or through redistricting, which has on its turn to be done in conformity with the principles of independence, impartiality, and transparency;<sup>25</sup> in case of one-member constituencies, only redistricting is possible.

21. The Venice Commission furthermore recalls that certain delimitations of constituencies also go against equality of opportunity, by way of the so-called *gerrymandering*. In this regard, *gerrymandering* may be defined as a negative and manipulative act of politicians to redraw the legislative/electoral district boundaries to deprive the representation that another group or party would enjoy.<sup>26</sup> *Gerrymandering* is, in sum, a manipulative political tool which distorts the democratic electoral process, undermines democratic and universal election principles, and may render legislative elections a meaningless exercise.<sup>27</sup> When stating that “[t]he drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely”, General Comment No. 25 of the International Covenant on Civil and Political Rights (ICCPR)<sup>28</sup> warns not only against active and passive electoral geometry, but also against *gerrymandering*.

22. To avoid these shortcomings, boundary delimitation should take place in a transparent and consistent manner, established by a law that also regulates the frequency of reviewing boundaries.<sup>29</sup> The Venice Commission has repeatedly recommended that “[t]he procedure for delimiting electoral districts should be defined precisely in a law, so that the process remains the

<sup>20</sup> Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline I.2.2.

<sup>21</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 6.

<sup>22</sup> Venice Commission, [CDL-AD\(2004\)003](#), Report on Electoral Systems - Overview of available solutions and selection criteria, para. 25. Unlike *gerrymandering* proper, “natural” *gerrymandering* does not result from a deliberately biased redrawing of boundaries; it may be that one category of the population is strongly concentrated in a small number of electoral constituencies, whilst another has a very small majority in a large number of constituencies.

<sup>23</sup> Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, para. 13, and Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, paras 13 and 77.

<sup>24</sup> Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, para. 13, and Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, paras 13 and 76.

<sup>25</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 100.

<sup>26</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 87. See also Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, para. 13.

<sup>27</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 88.

<sup>28</sup> Available at: <https://www.refworld.org/legal/general/hrc/1996/en/28176>.

<sup>29</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 19.

same, regardless of who is drawing the district boundaries.”<sup>30</sup> In this regard, the existence of legal restrictions to discretionary powers act as an important legal safeguard against arbitrariness and guarantee the Rule of Law.<sup>31</sup> In the field of constituency delimitation, a way to prevent such an abuse is, where possible, to make constituency boundaries coincide with administrative boundaries, while geographical and historic criteria may be taken into account.<sup>32</sup> Should the delimitation of constituencies remain in the hands of the legislator – as is currently the case in Hungary, limitations to its discretion should be defined at a level higher than the law determining the constituency boundaries.

23. Another crucial safeguard consists in entrusting an independent and impartial authority with boundary delimitation to avoid political manipulation. “National legal frameworks for boundary delimitation are expected to provide that the persons or institutions responsible for drawing the electoral boundaries are independent and impartial and ensure that the criteria for the allocation of seats are in accordance with the International/European standards.”<sup>33</sup> The Venice Commission recommends that this authority should preferably include a geographer, a sociologist and have a balanced representation of the parties and, if necessary, representatives of national minorities.<sup>34</sup> However, it is admissible that the final decision is taken by the legislator or an electoral management body,<sup>35</sup> provided that there exists an appeal procedure to a judicial body to avoid this power to be abused.<sup>36</sup> In any case, the decision on the delimitation of constituencies should be adopted after extensive public consultations with all relevant stakeholders. If political parties are not represented in the committee, they should be provided the right to present their recommendations and objections.<sup>37</sup>

## **2. Situation in Hungary and changes introduced by Act LXXIX of 2024**

### **a. Developments since 2011**

24. Since coming back to a multiparty system in 1990, Hungary has used mixed electoral systems, with around half of the members of Parliament elected by a majoritarian system in one-member constituencies and the other half on proportional lists, with a compensatory mechanism. The electoral reform of 2011 changed the electoral system in several aspects. In particular, the number of members of Parliament was significantly reduced from 386 to 199, and the mixed electoral system was converted into a two instead of three tiers. According to the present law, 106 Members of Parliament shall be elected in single-member constituencies and 93 from national lists.<sup>38</sup> The proportional system is applied with a threshold of 5% for single parties, 10% for joint lists of two parties and 15% for joint lists of more than two parties, and with a partial compensation system.<sup>39</sup>

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<sup>30</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 22.

<sup>31</sup> Venice Commission, [CDL-AD\(2016\)007](#), Rule of Law Checklist, II.C.

<sup>32</sup> Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline I.2.2.vii and para. 14 of the Explanatory Report; and Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 23.

<sup>33</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 20.

<sup>34</sup> Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline I.2.2.vii.

<sup>35</sup> In their comments on the draft opinion, the authorities stressed that the definition of constituency boundaries was not a mere administrative act but was necessarily burdened with political responsibility, as it had a direct impact on the proportionality of the electoral system and the political balance of power. Therefore, Hungary had chosen to give this power to a body that itself had political authority, namely the Parliament, in line with the practice in several other EU member States. The Venice Commission notes that this is also in line with the standards quoted above – on the condition that the decision on the delimitation of constituencies is adopted after extensive public consultations with all relevant stakeholders and that it can be appealed.

<sup>36</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, paras 120 and 129.

<sup>37</sup> Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, para. 22.

<sup>38</sup> Section 3 of Act CCIII of 2011 on the Elections of Members of the National Assembly.

<sup>39</sup> For more details, see Sections 14-16 of Act CIII of 2011.



25. Pursuant to Section 4 of the Act CCIII of 2011 on the Elections of the National Assembly, the electoral constituencies are linked to the size – in terms of voters – of the administrative counties and have to be contiguous, i.e. that they cannot cross the counties' boundaries. The constituencies have to be revised when the administrative counties are changed and when the deviation between constituencies is too high. The average deviation in the number of registered voters must not exceed 15 per cent countrywide, unless this is justified by "geographical, ethnic, historical, religious and other local characteristics" – provided that it does not exceed 20 per cent; otherwise, Parliament has to amend the relevant annexes of Act CCIII of 2011.

26. Following the reduced number of seats in Parliament by way of the 2011 reform, the redrawing of the single-mandate electoral constituencies was necessary. But as the Venice Commission and ODIHR already mentioned in their 2012 Opinion,<sup>40</sup> redrawing of electoral constituencies was essential even before the electoral reform, as underlined by the Constitutional Court of Hungary in 2005 and 2010<sup>41</sup> and by the ODIHR Election Assessment Mission Report on the 11 April 2010 parliamentary elections,<sup>42</sup> which drew attention to significant deviations in the sizes of constituencies during the 2010 parliamentary elections, in contradiction with the fundamental principle of equality.

27. In 2014, the constituencies were first established under the new electoral system. As ODIHR stressed in its observation report concerning the 2022 parliamentary elections,<sup>43</sup> the delineation of the constituencies had not changed since 2014, resulting in a significantly unequal distribution of registered voters amongst the constituencies, with 25 of the 106 constituencies having more than a 10 per cent deviation, ranging up to a 33 per cent deviation. Moreover, in two instances, the deviations exceeded the legislated 20 per cent maximum deviation which would have required revision of the constituency boundaries following the 2018 elections. Since then, owing to the demographic evolution – in particular, the growth of large cities and their agglomerations, and population changes in some rural areas – the disproportionality increased even further; *inter alia*, by 2024 in seven constituencies the deviations exceeded the 20 per cent maximum.

b. The present reform

*Overview*

28. Act LXXIX of 2024 introduced some changes which, according to the "Justification" of the bill, were aimed at "ensuring proportional representation of constituencies, guaranteeing equal voting rights and influence for all citizens." The number of constituencies of the capital Budapest was decreased by two, from 18 to 16, whereas two constituencies were added to Pest county which now has 14 constituencies. Furthermore, this change made it necessary to redraw the boundaries of all the constituencies in Budapest and Pest county. In addition, in two other counties – Csongrád-Csanád county and Fejér county – some changes were made to the constituency delineation. This reform calls for a number of comments, both with respect to the substance and the procedure of the amendments.

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<sup>40</sup> Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary, para. 32.

<sup>41</sup> In Decision 22/2005 – VI. 17 (dated 14 June 2005), the Constitutional Court of Hungary underlined that "through an omission of its legislative duty, the parliament has caused an unconstitutional situation by not fully providing the statutory conditions securing the enforcement of the requirements resulting from the principle of equal voting rights enshrined in Article 71(1) of the Constitution" and "call[ed] upon the parliament to comply with its legislative duty...by 30 June 2007." The Constitutional Court has ruled again in December 2010 that the prevailing district structure was unconstitutional (Decision 193/2010 – XII. 8). Source: <http://www.mkab.hu/>.

<sup>42</sup> [ODIHR EOM Final Report](#) on the parliamentary elections of 11 April 2010, page 6.

<sup>43</sup> [ODIHR EOM Final Report](#) on the Parliamentary Elections and Referendum of 3 April 2022, page 11.

### Substance

29. The “Justification” of the bill states that in Hungary, demographic trends in recent years – in particular the growth of large cities and their agglomerations, and population changes in some rural areas – have resulted in significant imbalances between constituencies. It recognises that several constituencies differ from the national arithmetic average of the number of voters entitled to stand for election in single-member constituencies by more than 20 per cent, in particular in Pest county, and that the number of constituencies in the capital Budapest is in surplus, mainly due to a population decline in the interior of the capital. This was reiterated by representatives of the majority parties and was also acknowledged by several other stakeholders during the meetings in Budapest, all of which agreed that measures were necessary to ensure proportionality and equal voting power.

30. While the above justification seems plausible at first sight, the Venice Commission notes with concern that according to many of the rapporteurs’ interlocutors, the reform failed to achieve its stated goal to ensure proportional representation of constituencies.

31. For example, according to certain electoral and demographic experts the removal of two constituencies from Budapest – instead of only one – was not justified, and it might favour the governing parties. This move made it necessary to redraw all the Budapest constituencies. Representatives of the opposition claimed that this redrawing was done in a very questionable manner, literally destroying certain constituencies, dividing them into two or more parts. Furthermore, according to demographic experts met by the rapporteurs, in Csongrád-Csanád county the disproportionality of constituencies 1 and 2 has not significantly decreased despite the modification; while the unmodified constituencies of Tolna and Somogy counties maintained a high degree of disproportionality, which favours the governing parties; the Fejér county amendment was a typical case of politically motivated *gerrymandering*; in a limited number of districts, different techniques of *gerrymandering* were used, namely cracking, packing and mixing; in sum, the amendments did not comprehensively address the problem of disproportionality, and made it even worse in some cases; and according to these interlocutors it was clear that the districts were drawn not necessarily on the basis of settlement structure, but rather on the basis of electoral geography.<sup>44</sup>

32. Opposition representatives contended that political rather than demographic motives drove the redistricting. They saw the shift of electoral districts from the more urban Budapest – where the governing parties are weaker – to the more suburban Pest county – where they are stronger – as a strategic effort to improve the governing parties’ electoral prospects. In the view of the Venice Commission, the process by which Act LXXIX of 2024 was initiated and adopted<sup>45</sup> – as well as the specific boundary changes described above – suggest possible political motivations behind the reform. In this connection, the Venice Commission notes that its 2020 Report on electoral law and electoral administration explicitly mentions the case of Hungary as an example where allegations of *gerrymandering* have been widespread in the delimitation process.<sup>46</sup> It thus appears that there is little trust in the good will of the governing parties to redraw the boundaries of the electoral districts in a politically neutral way.

### Procedure

33. Even though the Venice Commission is not in a position to evaluate the details of the redistribution and redrawing of constituencies, it stresses that against the background described

<sup>44</sup> See also the following publications by demographic experts which explain those conclusions in more detail:

[Telex: A Fidesznek kedvez, a Tiszának nem a keverés a választókerületeknél – térképen a változások;](#)

[Telex: Szoros eredménynél kezd el igazán a kormánypártoknak dolgozni az új választókerületi térkép.](#)

<sup>45</sup> See Chapter III.A. above, as well as the following section.

<sup>46</sup> Venice Commission, [CDL-AD\(2020\)023](#), Report on electoral law and electoral administration in Europe – Synthesis study on recurrent challenges and problematic issues, para. 253.

above particular attention should have been paid to the parliamentary process and the involvement of independent expertise in the present case.

34. As the Venice Commission and ODIHR have previously pointed out,<sup>47</sup> the delimitation of electoral constituencies should be reached by an inclusive political consensus, and it must be done in a transparent and professional manner through an impartial and non-partisan process, i.e. avoiding short-term political objectives (*gerrymandering*).

35. The procedure followed in the present situation gives rise to significant concerns: The redistribution and redrawing of constituencies was not reached by an inclusive political consensus; opposition parties, civil society organisations, academics, and other electoral and demographic experts were not even given a meaningful opportunity to engage in public debate on this important issue; according to the information gathered by the rapporteurs during the meetings in Budapest, no public consultation took place, independent experts were not consulted, the opposition was not involved in the preparation of the legislative proposal and it was not provided any detailed explanations on what basis the proposed changes were made; opposition parties stated that they had received the text of the amendments just a few hours (reportedly only two) before the Committee of Justice meeting in which it was decided to submit the bill to the President of Parliament.

36. It appears that the whole process lacked transparency and open debate; none of the rapporteurs' interlocutors could explain the criteria and methodology used by the lawmakers. The authorities indicated that the bill was based on the report by the President of the National Election Office; however, as the latter confirmed himself, that report only explained the need for action and included some general recommendations – concerning, in particular, the number of constituencies per county –, but it did not propose any concrete constituency delimitations. It is a matter of concern that the amendments did not take into account independent expert advice, which was already available prior to the reform. For example, the rapporteurs' attention was drawn to a scientific article published in August 2024<sup>48</sup> which included a proposal for resolving the disproportionality.

37. As mentioned above in Chapter III.B.1. on "Principles and international standards", the Code of Good Practice in Electoral Matters assumes that changes to constituency boundaries should be made taking into account the opinion of a committee, the majority of whose members are independent, preferably including a geographer, a sociologist and a balanced representation of political parties and, if necessary, representatives of national minorities.<sup>49</sup> This standard shows that solid factual bases for the redrawing of the constituencies must be collected and taken into account for the redrawing of constituency boundaries, even in cases where states have not established a special committee for this purpose.<sup>50</sup> Independent experts, in particular geographers and sociologists, should in any case be involved in the process, as well as a balanced representation of political parties. The procedure followed by the Hungarian lawmakers failed to meet these standards, and it thus failed to make the actual background and reasons for the change transparent, to create trust and to ensure a well-founded and non-politically motivated legislative solution.

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<sup>47</sup> Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary, paras. 35 and 37.

<sup>48</sup> See [Kovalcsik Tamás-Bódi Máttyás](#), Package of proposals for a review of the domestic constituency system, published on 5 August 2024, available at: <https://doi.org/10.15196/TS640401>.

<sup>49</sup> Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline I.2.2.vii.

<sup>50</sup> Moreover, as mentioned above in Chapter III.B.1., in case the final decision on boundary limitation is taken by the legislator or an electoral management body, there should exist an appeal procedure to a judicial body to avoid this power to be abused; see Venice Commission, [CDL-AD\(2017\)034](#), Report on Constituency Delineation and Seat Allocation, paras 120 and 129. In this respect, the Hungarian authorities indicated to the rapporteurs that decisions on boundary limitation could be challenged before the Constitutional Court, by invoking violation of the principle of equal suffrage. Cf. Fundamental Law, Chapter Parliament, Article 2. The authorities also referred to the decisions by the Constitutional Court quoted above in Chapter III.B.2.a).

38. Finally, as already mentioned above, the delimitation of constituencies by (cardinal) law should be avoided, since such a rigid regulation makes the necessary adaptation of the delimitation to demographic evolution dependent on a political decision. Instead of including a list of constituencies as an annex to the Act CCIII of 2011 on the Elections of the National Assembly, the Act should rather specify the mathematical formula to be used in determining the number of constituencies per county.

c. Previous and new recommendations

39. The information gathered by the rapporteurs clearly suggests that further measures will be necessary in the future to ensure proportionality, equal voting power and equality of opportunity. However, in accordance with the principle of stability of electoral law,<sup>51</sup> such a further reform should not be implemented less than one year before the next elections – unless it is based on consensus between government and opposition and on broad public consultations, and in line with international electoral standards. It appears very unlikely that a further reform based on such consultations and on a political consensus could be implemented prior to the April 2026 parliamentary elections. The Venice Commission therefore recommends that such a reform be adopted after the 2026 parliamentary elections, but well in advance – at least one year – of the following elections, based on broad consensus after extensive public consultations with all relevant stakeholders.

40. The Venice Commission furthermore recommends that such a reform also takes into account previous recommendations relating to the distribution of constituencies and drawing of constituency boundaries, which were already made in 2012<sup>52</sup> and partly reiterated in 2021,<sup>53</sup> and which have still not been implemented, namely:

- to review the existing provisions for determining constituency boundaries through cardinal laws by adding the mathematical formula and ensuring involvement of independent experts as well as all parties represented in Parliament, preferably by establishing an independent committee to draw the boundaries<sup>54</sup> in the election law;
- to define in the law the distribution method for distributing the single-mandate electoral constituencies among the administrative counties, including the city of Budapest;
- to define in the law the maximum admissible variation between electoral constituencies within a county to a maximum of 10 per cent from the country average;<sup>55</sup>
- to define in law a clear, periodical review of the distribution of seats, at least every 10 years, preferably more frequently and outside electoral periods, not waiting for a 20 per cent limit to be crossed, as defined in the current election law.<sup>56</sup>

<sup>51</sup> See Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline II.2.b and paras. 63 to 67 of the Explanatory Report; and Venice Commission, [CDL-AD\(2024\)027](#), Revised Interpretative Declaration on the Stability of Electoral Law.

<sup>52</sup> Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary, paras. 11 and 37.

<sup>53</sup> See Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, paras. 14 and 41.

<sup>54</sup> See in this respect Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline I. 2.2 vii; such a – permanent or *ad hoc* – committee “should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities”.

<sup>55</sup> See in this respect Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline I. 2.2 iv.; as previously mentioned, despite the constraint not to cross the administrative counties and their inherent differences in size, there is no justification to deviate by more than 10 per cent between single-mandate constituencies *within* a county, see Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary, para. 36.

<sup>56</sup> See in this respect Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline I.2.2 v.

### C. Other amendments

41. The other part of Act LXXIX of 2024 introduces a number of specific changes, many of which appear to be merely technical and do not warrant any comments by the Venice Commission. The “Justification” of the bill states that those amendments are meant to address problems identified during the 9 June 2024 elections of the members of the European Parliament, local government representatives and mayors, as well as representatives of national minority self-governments. They are based on an initial set of proposals prepared by the National Election Office in response to lessons learned from recent elections.<sup>57</sup> The Office’s President indicated to the rapporteurs that those amendments were aimed at enhancing efficiency and streamlining electoral processes, for instance by stipulating that

- a candidate may resign from candidacy only until the third day (instead of the second day) before voting day<sup>58</sup> – in order to avoid practical problems related to late withdrawal;
- in the event of a tie in a single-member constituency election or an election of a mayor or the Capital Mayor, there will be no by-election, but only a repeat of the ballot<sup>59</sup> – in order to ensure that the mandate is filled as soon as possible;
- any member of a ballot counting committee may request documentation of possible violations occurred in the electoral process<sup>60</sup> – in order to increase transparency and integrity of the process;
- lower-level election commissions may hold meetings online, provided this is properly publicised<sup>61</sup> – in order to ensure the quorum, if necessary;
- it is no longer necessary for voters to present proof of their address when voting, by presenting an address card, in addition to proving their identity by presenting an identity card, passport or driving license<sup>62</sup> – in order to facilitate the exercise of voters’ rights;
- the use of envelopes for the ballot paper is no longer compulsory (except in certain cases such as postal voting or voting at a foreign representation), but will still be provided to the voter upon request<sup>63</sup> – in order to render the voting and counting process more efficient;
- the time limit for decisions by the Constitutional Court on complaints against court decisions in electoral matters is prolonged from 3 days to 5 days<sup>64</sup> – allowing the Constitutional Court to assess the issue in more detail and collect additional evidence if required;
- in a single-member constituency election or an election of a mayor or the Capital Mayor, vote recounts can be requested by the candidate with the second-most votes even in the absence of legal violations, provided the margin of victory is less than 0.5 per cent of total votes or 101 votes in parliamentary elections<sup>65</sup> – in order to facilitate recounts;
- competences of local election commissions to recount votes are expanded, in particular in parliamentary elections<sup>66</sup> – in order to render the process more efficient.

42. While most of the amendments do not appear to have been criticised during the public discussion, some opposition representatives met by the rapporteurs raised concerns about certain specific changes such as the elimination of the compulsory use of envelopes for the ballot paper – which might endanger the secrecy of the vote, as certain voters would be subject to

<sup>57</sup> Namely, the general elections of the members of the European Parliament, local government representatives and mayors, as well as representatives of national minority self-governments held on 9 June 2024 in a joint procedure.

<sup>58</sup> See the amended Section 137(1) of Act XXXVI of 2013 on election procedure.

<sup>59</sup> See the amended Sections 12(3), 14(2), 15(2a) of Act L of 2010 on the election of local government representatives and mayors.

<sup>60</sup> See the amended Section 40 of Act XXXVI of 2013 on election procedure.

<sup>61</sup> See the amended Section 40/A of Act XXXVI of 2013 on election procedure.

<sup>62</sup> See the amended Sections 176 and 177 of Act XXXVI of 2013 on election procedure.

<sup>63</sup> See the amended Sections 178, 182, 292 of Act XXXVI of 2013 on election procedure.

<sup>64</sup> See the amended Section 233(2) of Act XXXVI of 2013 on election procedure.

<sup>65</sup> See the amended Sections 258/A, 307/M, 326/A of Act XXXVI of 2013 on election procedure.

<sup>66</sup> See the amended Section 258/A of Act XXXVI of 2013 on election procedure.



political pressure and would not dare to ask for envelopes; or the increased competence of local election commissions in the recount of votes – which allegedly acted in the past in favour of the governing parties.

43. The Venice Commission is not in a position to verify such allegations, but it notes that the aforementioned concerns were not shared by the representatives of civil society met by the rapporteurs. As concerns the issue of envelopes, the Commission further notes that ballot boxes are not transparent in Hungary and that Act LXXIX of 2024 introduces a new provision according to which “voters shall drop the ballot paper in the ballot box in such a way as to preserving secrecy.” Given these regulations and circumstances, the elimination of compulsory ballot envelopes does not appear to be problematic. In the view of the Venice Commission, the above-mentioned amendments are positive as they have the potential to contribute to smooth and efficient electoral processes.

#### **D. Other previous recommendations and need for more comprehensive reform**

44. As mentioned before, the Venice Commission and ODIHR have already analysed the Hungarian electoral legislation in 2012,<sup>67</sup> following the adoption of a new Constitution and a major electoral reform in 2011. Most of the key recommendations of this Opinion were related to the need for a broad and inclusive legislative process, to the use of cardinal laws, to constituency delimitations and allocation of seats to constituencies. These issues, which are still relevant, have been discussed in the preceding chapters of the present Opinion.

45. The Venice Commission and ODIHR furthermore analysed legislative changes of 2020 in their Opinion of 2021, which included a number of specific recommendations. Again, they addressed issues concerning the use of cardinal laws and the redrawing of constituencies, which are still relevant and have been discussed in the preceding chapters of the present Opinion.

46. Furthermore, the 2021 Opinion noted with concern that according to the 2020 amendments, for a national list to be registered, a party needs to nominate candidates simultaneously in a dramatically increased number of single-member constituencies,<sup>68</sup> and campaign financing from the central budget is only provided to parties which nominate candidates in at least 71 constituencies. While the goals of this rule – to favour big parties and reinforce national-wide political parties or coalitions with a presence in an important part of the national territory – appeared legitimate, in the Hungarian context the amendment looked favourable to the incumbents. The Opinion stressed that the introduction, in 2011, of a first-past-the-post system, instead of a two-round one, had already favoured the majority party vis-à-vis an opposition consisting of several parties, which lost most chances in majoritarian constituencies when they did not present a common candidate; and that the legal framework was unfavourable to common lists of several parties, as coalitions are penalised by the 10 or 15% threshold, the highest one in Europe. These concerns were also emphasised in the 2022 Report by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, which noted that “the changes to electoral law in Hungary over the past decade have facilitated the emergence of ‘supermajorities’ benefiting the ruling party” and that one impact of the 2020 amendment is “that it makes it more difficult for opposition and smaller parties to obtain a foothold and forces them to unite in heterogeneous coalitions”.<sup>69</sup>

47. Against this background, the 2021 Opinion made the key recommendation – which has not been implemented to date and is therefore reiterated – to amend Section 3 and Section 68 of the 2020 amendment Act (which amended Section 8.1 of Act CCIII of 2011 on the election of the

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<sup>67</sup> Venice Commission and ODIHR, [CDL-AD\(2012\)012](#), Joint Opinion on the Act on the Elections of Members of Parliament of Hungary.

<sup>68</sup> The Act increased such number from 27 to 71 (out of 106), within 14 (out of 19) counties (in addition to Budapest), instead of 9 counties (in addition to Budapest).

<sup>69</sup> See Parliamentary Assembly of the Council of Europe, [Doc. 15619](#), 26 September 2022, paras. 11 and 49ff.



Members of the National Assembly and Section 3(1) of Act LXXXVII of 2013 on the Transparency of Campaign Finance Costs related to the Elections of the Members of the Parliament), by significantly reducing the number of single-member constituencies and the number of counties in which each party needs to nominate candidates simultaneously in order to be able to run a national list of candidates.

48. The additional main recommendations of the 2021 Opinion, which have not yet been followed and are therefore reiterated in the present Opinion, are the following ones:<sup>70</sup>

- A. that members of lower-level commissions be selected through open and transparent recruitment, based on clear criteria, and not to leave their appointment any more in the hands of representative bodies;
- B. to review the mechanism for organising polling stations for absentee voters;
- C. to reconsider the requirement that after an election, any candidate who did not win a mandate be removed from the candidate list and withdraw their nomination in writing;
- D. to clarify and, if necessary, to review the extension of deadlines for dealing with electoral disputes, in order to ensure their timely settlement;
- E. to extend the right to appeal against the determination of the compensatory list result;
- F. to make the choice between registering to vote for normal seats or the minority seats possible in reasonably short timeframe before election or, preferably, to give to the voters from national minorities the possibility of choice on election day between nationality lists and party lists;
- G. to review the power to issue fines for late return or loss of signature support sheets;
- H. that the timing for destruction of sensitive electoral material be explicitly tied to the finalisation of any legal disputes, to ensure that relevant evidence in ongoing disputes is not destroyed;
- I. to consider revising the constitutional and legislative provisions on the exclusion of the right to vote and to be elected in case of limited mental capacity.

49. The principle of stability of electoral law implies that both frequent reforms and amendments shortly before elections should be avoided – unless late amendments are based on consensus between government and opposition and on broad public consultations, and in line with international electoral standards.<sup>71</sup> The Venice Commission therefore recommends that the aforementioned recommendations be addressed in a comprehensive reform after the 2026 parliamentary elections, but well in advance – at least one year – of the following elections, based on broad consensus after extensive public consultations with all relevant stakeholders, which would also include the issue of redistribution and redrawing of constituencies, as well as any other lessons to be drawn from the 2026 elections. It is crucial that all relevant stakeholders be involved in that process, including national and international election observers, to ensure broad consensus and to prevent that the electoral framework favours the incumbents.

50. In this connection, the Venice Commission notes that international election observation mission reports have repeatedly formulated a number of additional recommendations concerning electoral law and practice in Hungary. One of the issues which has repeatedly been subject to recommendations concerns different voting methods for voters abroad,<sup>72</sup> an issue that was also raised by several interlocutors during the meetings in Budapest as a matter of concern. In particular, it is striking that voters abroad with an in-country residence can vote in Hungary or at one of the polling stations established at Hungarian diplomatic missions but do not have access

<sup>70</sup> See Venice Commission and ODIHR, [CDL-AD\(2021\)039](#), Joint Opinion on the 2020 amendments to electoral legislation of Hungary, paras. 13 and 14.

<sup>71</sup> See Venice Commission, [CDL-AD\(2002\)02rev2-cor](#), Code of Good Practice in Electoral Matters, guideline II.2.b and paras 63 to 67 of the Explanatory Report; and Venice Commission, [CDL-AD\(2024\)027](#), Revised Interpretative Declaration on the Stability of Electoral Law.

<sup>72</sup> See e.g. [ODIHR Election Observation Mission Report](#) on the Parliamentary Elections and Referendum of 3 April 2022, page 16.

to postal vote, whereas voters without domicile in Hungary – in practice, mostly ethnic Hungarian communities in neighbouring countries – are eligible to vote by post (for the national proportional list component only). In the view of the Venice Commission, such issues raised by international election observers should also be considered in the recommended future reform process, in particular those made after the 2026 elections.

#### **IV. Conclusion**

51. By letter of 30 January 2025, Ms Zanda Kalniņa-Lukaševica, the President of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, requested an opinion of the Venice Commission of the Council of Europe on Act LXXIX of 2024 amending certain laws relating to elections.

52. Act LXXIX of 2024 was adopted by Parliament on 17 December 2024 and it entered into force on 31 December, except for certain provisions dealing with rather technical issues. The new or amended provisions will be applicable to the next parliamentary elections which are expected to be held in April 2026.

53. In substance, Act LXXIX of 2024 is composed of two parts. On the one hand, it includes the redrawing of the boundaries of certain constituencies and changes to the distribution of electoral constituencies – and thus seats – to Budapest and Pest County with the stated goal to ensure proportional representation of constituencies. On the other hand, the Act introduces a number of specific, rather technical changes which are meant to address problems identified during the most recent elections.

54. In the view of the Venice Commission, many of the rather technical and operational changes have the potential to contribute to smooth and efficient electoral processes and do not warrant any specific comments. On the other hand, the way in which electoral constituencies were redistributed and redrawn gives rise to significant concerns. The whole – very fast – process lacked transparency and open debate; the adopted amendments were not based on an inclusive process and did not take into account independent expert advice and the viewpoints of the political opposition. According to many stakeholders including electoral and demographic experts, the reform failed to achieve its goal to ensure equal voting rights by removing the disproportionality among constituencies, which has been increasing for many years and should have been dealt with already before previous elections.

55. Further measures to establish proportionality among constituencies will therefore be necessary. However, in accordance with the principle of stability of electoral law, such a further reform should not be implemented less than one year before the next elections – unless it is based on consensus between government and opposition and on broad public consultations, and in line with international electoral standards. It appears very unlikely that a further reform based on such consultations and on a political consensus could be implemented prior to the April 2026 parliamentary elections. The Venice Commission therefore recommends that a reform be adopted after the 2026 parliamentary elections, but well in advance – at least one year – of the following elections, based on broad consensus after extensive public consultations with all relevant stakeholders.

56. The Venice Commission furthermore recommends that the reform also takes into account

- 1) previous pending recommendations made by the Venice Commission and ODIHR in 2012 and 2021 relating to the distribution of constituencies and drawing of constituency boundaries, including
  - reviewing the determination of constituency boundaries through cardinal laws by adding the mathematical formula in the election law, and ensuring involvement of independent experts;

- defining in the law the distribution method for distributing the single-mandate electoral constituencies among the administrative counties;
  - defining in the law the maximum admissible variation between electoral constituencies within a county to a maximum of 10 per cent from the country average;
  - defining in the law a clear, periodical review of the distribution of seats, at least every 10 years, preferably more frequently and outside electoral periods;
- 2) other pending recommendations made in 2021, listed in the present Opinion, including the key recommendation to significantly reduce the number of single-member constituencies and the number of counties in which each party needs to nominate candidates simultaneously in order to be able to run a national list of candidates;
- 3) lessons learned from the 2026 parliamentary elections, including recommendations made by international election observers.

57. The Venice Commission once again stresses that the very speedy legislative process and the lack of meaningful public consultations are particularly worrisome when they concern electoral legislation, which should not be seen as a political instrument: when defining the rules of the game which have to ensure a level playing field and respect for electoral rights, broad political consensus as well as extensive consultations with all relevant stakeholders are crucial.

58. The Venice Commission remains at the disposal of the Hungarian authorities and the Parliamentary Assembly for further assistance in this matter.