



## Act C of 1997

### on Electoral Procedure

Pursuant to the Constitution of the Republic of Hungary, suffrage is universal and equal; voting is direct and secret. To ensure that the exercise of the right to vote, the process of elections, referendums and popular initiatives shall be democratic and based on proper guarantees, the Parliament shall make the following law:

#### PART ONE

#### GENERAL PROVISIONS

#### CHAPTER I

#### FUNDAMENTAL RULES

##### The aim of the Act

**§ 1** The aim of this Act is that voters, candidates and nominating organisations as well as election bodies may exercise their election related rights on the grounds of uniform, clearly arranged and simple rules of procedure, as laid down by law.

##### The scope of legitimate application

**§ 2** This Act shall be applied with regard to

- a. the election of the Members of Parliament;
- b. the election of the Members of the European Parliament;
- c. the election of the representatives and mayors of local governments
- d. the election of minority municipalities;
- e. national referendums;
- f. local referendums;
- g. national popular initiatives;
- h. local popular initiatives; and
- i. electoral procedures regarding which the law orders that this Act shall be applied to [the provisions set forth in clauses a)-i) shall be referred to jointly as "the election"].

##### The basic principles of electoral procedure

**§ 3** When applying the rules of electoral procedure, the participants involved in the election shall assert the following basic principles:

- a. to safeguard the fairness of elections, to prevent electoral frauds;
- b. voluntary participation in the nomination, election campaign, voting;
- c. equality of chances among candidates and nominating organisations;
- d. exercise of rights in good faith, according to rules;
- e. option and impartial adjudging of legal remedy;

f. fast and authentic determination of the results of the elections.

### General rules

**§ 4** (1) The election shall be called the latest 72 days before the polling day. The election shall be called in such fashion that the polling day should not fall on national holidays or on public holidays, or on the day preceding and following them.

(2) If the election committee or the court have the election repeated, the election committee shall set a date for the repeated election within 30 days from the seventh day after the date of the election caused to be repeated.

(3) The terms determined under this Act shall be terms of preclusion; they expire, in the absence of any statutory provision to the contrary, at 4:00 p.m. on the last day of the term.

(4) The terms defined in days shall be calculated in calendar days.

**§ 5** The expenses of implementing the state's responsibilities related to preparing and conducting the elections shall be provided, to the extent defined by the Parliament, from the central budget. With regard to the use of these monetary assets, the State Audit Office shall inform the Parliament.

## CHAPTER II

### THE PUBLICITY OF THE ELECTORAL PROCEDURE

**§ 6** (1) The operation and activity of election committees as well as the data available to election committees, except for the statutory exception, shall be public. The publicity of the electoral procedure may not infringe the secrecy of the election, personal rights and rights related to the protection of personal data.

(2) The computerised data of the election may be required by anybody under the same conditions, against payment of a fee.

(3) On useful information regarding the election (such as the time and venue of voting, candidates, the posting of the register, the method of voting, the results of the election) the competent election office shall issue an announcement.

(4) The names of the members of the election committee and the head of the election office, the address of the office of the election bodies shall be published the way it is customary locally; the name of the members of the parliamentary single mandate constituency and the regional election committees in the official journal of the metropolitan, county general assembly, the details of the National Election Committee in the Official Gazette of Hungary.

(5) The election offices shall arrange for the voters to receive general information about the details of the elections and replies to their questions.

(6) On polling day, prior to the termination of voting, election offices may provide information on the number and proportion of voters.

**§ 7** The representatives of the media may be present while the election committees are working but may not disturb their activity.

**§ 7/A** (1) Each nominating organisation putting forward candidates for foreign representations, and each independent candidate may delegate one person to act as observer to each foreign representation.

(2) Only Hungarian citizens having right to vote may be observers.

(3) Observers shall be notified to the National Election Committee by providing their name and personal identification number until the 9th day before the voting in Hungary. The National Election Committee will check the observer's right to vote, and will register the observer. The National Election Office will send the name and personal identification number of the observer delegated to foreign representation to the head of the election office at the foreign representation.

(4) The observer registered by the National Election Committee may be present while the election office at the foreign representation carries out its work. The observer

a) may follow the work of the election office at the foreign representation, the process of voting with attention,

b) may record their comments in the minutes made out on the closing of voting,

c) may lodge a reserve,

d), shall not influence or disturb the voting, or the work of the election office at the foreign representation either actively or through behaviour from which an inference may be drawn,

e) may sign the sealed ballot-box after closing the voting,

f) is obliged to wear a pass in the polling station.

(5) The costs related to the observer's delegation and activity shall be borne by the delegator.

**§ 8** (1) From the eighth day prior to voting to the termination of voting, the results of public opinion polls regarding the elections may not be published.

(2) On polling day, public opinion researches may be made subject to the following conditions:

a. the public opinion poll shall be anonymous, and based on voluntary participation;

b. the public opinion researchers may not enter the building where the polling-station is located, may not in any way harass voters, and may ask only those stepping out of the polling station.

### CHAPTER III

#### CONSTITUENCIES, ELECTORAL DISTRICTS

**§ 9** (1) Constituencies shall be established in such fashion that the number of the population per constituency should be approximately the same.

(2) When setting up constituencies, attention should also be paid to nationality, religious, historic, geographic and other characteristics.

**§ 10** (1) The number, sequence number and territorial division of electoral districts as well as the address of polling stations shall be determined by the head of the local election office in such fashion that approximately six hundred but maximum one thousand-two hundred voters should fall on each electoral district, and there shall be at least one electoral district in each settlement. In January of each year, the head of the local election office shall review the number, sequence number and territorial division of the electoral districts. The head of the local election office shall normally monitor changes in the setting up of electoral districts, and take the necessary measures.

(2) At settlements with two or more electoral districts, an electoral district shall be identified where voters whose address contain, pursuant to the rules of law on reporting address, only the name of the given settlement will vote. If there are two or more constituencies at the settlement, the head of the local election office shall assign the electoral district that falls under the constituency selected by him or her by a draw.

**§ 11** From calling the election to the polling day, the borders, sequence number, and the name of the settlement, the name of the street, the street-number and the topographical lot number may not be changed.

### CHAPTER IV

#### REGISTERING THE RIGHT TO VOTE

##### The register

**§ 12** After having called the election, the head of the local election office shall compile, on the grounds of the data of the particulars and address register and the register of major citizens disfranchised, the register of franchised citizens, and shall continuously bring forward alterations in it.

**§ 13** (1) The franchised citizens whose domicile, or for lack of it, residence (hereinafter referred to as "address") is located in the electoral district shall be entered in the register.

(2) The register shall be compiled in such fashion that it should be suitable for identifying the capital, the county, the settlement, and the constituency, the electoral district and the voter. The register shall contain the voter's:

a. first name(s) and family name (in the event of women, also the maiden name);

- b. personal identification number;
- c. address;
- d. sequence number in the register;
- e. the date of birth of the voters having identical names and addresses; or, in the event that their date of birth is identical, other natural identification data.

### **Displaying the register publicly**

**§ 14** (1) The register shall be publicly displayed 60 days before the polling day, for eight days; and the time thereof shall be announced the way it is customary locally. Voters shall be informed about their having been entered in the register the latest before the 58th day prior to polling day by sending them an information notice.

(2) The information notice shall contain the voter's first name(s) and family name, address, personal identification number, serial number in the register, other technical data, the time and venue of voting, as well as other useful information regarding the voting.

(3) The register publicly displayed shall not contain the personal identification number.

(4) The head of the local election office may commission another local election office, the operator or central office of the particulars and address register regional system to produce the register, the information notices and the proposal coupons. The head of the local election office shall arrange to deliver the information notice and the proposal coupons. The head or member of the nominating organisation may not be commissioned to deliver the information notice and proposal coupons.

(5) The delivery of the information notice and the proposal coupon shall be checked by the head of the local election office.

(6) The voter who has not received the information notice and the proposal coupons may apply for them at the local election office.

### **The modification of the register**

**§ 15** (1) The head of the local election office shall retroactively enter the voter in the register who has

- a. been omitted from the register;
- b. acquired right to vote after the register has been completed; and
- c. regained his/her right to vote;

and shall inform the voter about this fact by sending an information notice.

(2) The head of the local election office shall delete those from the register who have deceased, who have lost their right to vote, or who have been entered in the register of another electoral district because their address has changed.

(3) The modified register may be inspected at the mayor's office before the second day prior to polling day.

**§ 16** (1) If a voter has changed his or her address after the completion of the register, the head of the local election office of the new domicile shall, simultaneously with notification, enter him or her in the register, and inform him or her by handing over an information notice.

(2) The head of the local election office shall immediately inform the head of the local election office of the former domicile to ensure deletion from the register. The head of the local election office of the former domicile shall ex officio inform the head of the local election office of the new domicile about the fact that the voter

- a. was listed in the register; or
- b. was listed in the register of major citizens disfranchised, and the reason thereof; or
- c. has been given a certificate pursuant to § 89 or 104; or

d. was listed in the register at foreign representations; or

e. was not listed either in the register, or in the register of major citizens disfranchised, or in the register at foreign representations.

(3) In the event provided for under clauses a) and b) of paragraph (2), the head of the local election office of the former domicile shall delete the citizen from the register, or from the register of major citizens disfranchised.

(4) In the event provided for under clause b) of paragraph (2), the head of the local election office of the new domicile shall delete the citizen from the register, enter him or her in the register of major citizens disfranchised, and inform the citizen about this fact.

(5) In the event provided for under clause c) of paragraph (2), the head of the local election office of the new domicile shall delete the citizen, and inform the citizen about this fact.

(6) In the event provided for under clause d) of paragraph (2), the head of the local election office of the previous domicile shall not delete the voter from the register at foreign representations. The head of the local election office of the new address shall delete the voter from the register, and shall inform the voter about this and the fact that the register at foreign representations continues to include them.

(7) In the event set forth in clause e) paragraph (2) the head of the local election office of the new address shall ascertain if the right to vote holds by confirming data with the central office of the particulars address register.

### **The register of major citizens disfranchised**

**§ 17** (1) In order to ascertain the right to vote, the bodies defined under clauses a)-c) shall continuously make alterations in the data pursuant to paragraph (2) of major citizens disfranchised known to the central office of the particulars and address register as follows:

a. public guardianship authorities proceeding in cases of guardianship regarding the placement in charge of a guardian limiting or excluding ability to act and the termination of such guardianship;

b. the National Penal Authorities, through the agency registering delinquents, about persons subject to a judgment at law barring them from public affairs;

c. the National Penal Authorities about citizens serving sentence of confinement, and undergoing compulsory therapy at an institution ruled with legal force in criminal procedure;

(2) The information pursuant to paragraph (1) shall contain the citizen's:

a. first name(s) and family name (in the event of women, also the maiden name);

b. personal identification number;

c. the reason for, commencement and expected termination of the exclusion from exercising suffrage.

(3) The central office of the particulars and address register shall maintain the register of major citizens disfranchised by applying data made available pursuant to paragraph (1); shall ensure such maintenance with respect to details of particulars and address by regularly taking over data from the particulars and address register.

(4) If a citizen has regained his or her suffrage, or is no longer subject to the particulars and address register, his or her data shall be deleted from the register. The data of citizens deleted from the register of major citizens disfranchised shall be retained for six months.

**§ 18** (1) The register of major citizens disfranchised shall be handled by the agency maintaining it separately from its other records, except for the register, and may be used for no other purpose than ascertaining suffrage; data taken from it may not be disclosed for any other purpose.

(2) The central office of the particulars and address register may supply data from the register of major citizens disfranchised to election committees, election offices and the court, and, in the proceeding of electing lay assessors, to mayors to ensure the conducting of elections, and the authentication of the data of those signing the initiative of referendums and popular initiatives.

(3) The central office of the particulars and address register shall check the candidates' suffrage on the grounds of the data of the register of major citizens disfranchised and the particulars and address register, and shall immediately advise the relevant

election office about lack of suffrage.

(4) The central office of the particulars and address register may check the suffrage of elected representatives on the grounds of the data of the register of major citizens disfranchised and the particulars and address register, and shall immediately advise the relevant election office about lack of suffrage.

(5) Any citizen of legal age may request of the central office of the particulars and address register to verify that on the grounds of the register of major citizens disfranchised nothing disqualifies them from exercising their right to vote.

**§ 19** The register of major citizens disfranchised may be connected to the local, regional or central particulars and address register, covering the population of the constituency involved in the election, from the date of calling the election to the date of publishing the final results of the election, for the purpose of ascertaining suffrage. Such connection shall be immediately terminated after the terms of legal remedy related to the elections have expired.

**§ 20** The register of major citizens disfranchised is not public; it may be inspected by no other than the relevant person, the court, the election committee and the members of the election office.

### **The register at foreign representations**

**§ 20/A** (1) Inclusion in the register at foreign representations may be requested by voters included in the register of their address personally or through a delegate having an authorisation enshrined in a private deed with conclusive force from the head of the local election office of their domicile before the 16th day prior to polling day in Hungary. Requests for inclusion in the register at foreign representations may be submitted also by registered mail in such fashion that it shall have been received by the local election office the latest before the 16th day prior to voting in Hungary.

(2) Applications with regard to entering the applicant in the register at foreign representations shall contain the applicant's:

- a) first name and family name,
- b) personal identification number,
- c) place and date of birth,
- d) mother's name,
- e) address in Hungary, and
- f) the description of the foreign representation where the applicant intends to exercise their right to vote, and
- g) the applicant's notify address abroad if they do not request that the decision of the head of the local election office should be sent to their address in Hungary.

(3) Within the time frame defined in paragraph (1), voters entered in the register at foreign representations may modify the data set forth in Section (2) f), or request their deletion from the register at foreign representations and their re-entry in the register of their address.

**§ 20/B** (1) On the strength of the application, the head of the local election office will immediately enter the voter in the register at the foreign representation, simultaneously, delete them from the register of their address. The head of the local election office shall immediately inform the applicant that they have been entered in the register at the foreign representation or that their inclusion in the register at the foreign representation has been rejected.

(2) The application shall be rejected if it does not contain the data pursuant to paragraph Section § 20/A (2).

**§ 20/C** The register at foreign representations shall contain voters' particulars pursuant to Section § 20/A (2) a)-e) and the description of the foreign representation.

**§ 20/D** (1) The head of the local election office shall send the data of the register at foreign representations to the National Election Office before the 8th day prior to polling day in Hungary, and the National Election Office will prepare the register at foreign representations split per foreign representations.

(2) The National Election Office will forward the data of the register at foreign representations to foreign representations in such fashion that only the election office at the foreign representation could have access to its data. The election office at the foreign representation will print and authenticate the register at foreign representations. The register at foreign representations shall not be modified. After closing the register at the foreign representation the National Election Office shall immediately

provide the nominating organisations with information, split per foreign representations, on the number of voters included in the register at the foreign representation.

### **Legal remedy regarding the compilation of the register, or the register at foreign representations**

**§ 20/E** (1) Reserves because of having been omitted or deleted from or entered in the register may be lodged during the period the register is displayed publicly.

(2) Anyone who has been entered in the register at foreign representations or whose inclusion in the register at foreign representations has been rejected, may lodge a reserve in three days from receipt of the notice thereon.

(3) Reserves lodged because of omission or deletion from the register or inclusion in the register or reserves lodged because of inclusion in or rejection of the inclusion in the register at the foreign representation shall be lodged with the head of the local election office, and will be decided by him/her the latest on the day following the date the reserve is received.

(4) If the head of the local election office sustains the reserve, he will modify the register or the register at foreign representations.

(5) If the head of the local election office does not sustain the reserve, he will send the reserve to the local court, in Budapest to the Pest Central District Court, the latest on the day following the date it is received. In the judicial proceedings it is not obligatory to provide representation by counsel. The court shall act as a sole judge. The court will decide the reserve in three days from the receipt thereof.

(6) If the court finds the reserve well-founded, it will order the modification of the register or the register at foreign representations, failing which it will dismiss the reserve.

(7) The decision of the head of the local election office and the order of the court shall be communicated to the person concerned and the person who has lodged the reserve; the order of the court shall be communicated also to the head of the local election office.

## **CHAPTER V**

### **ELECTION BODIES**

#### **Election committees**

**§ 21** (1) Election committees shall be citizens' independent bodies subject to nothing but the law, whose prime responsibility is to determine the results of the elections, to ensure the fairness of the elections, to enforce impartiality and, when necessary, to restore the legal order of the elections.

(2) Election committees:

- a. ballot counting committees;
- b. local election committees;
- c. parliamentary single mandate constituency election committees;
- d. regional election committees;
- e. the National Election Committee.

(3) During the term of its operation, an election committee is deemed to be an authority and its members public officials.

(4) The members of the election committee shall be exempted from performing work stipulated by law on the day following voting, and are entitled to receive average wages for this period to be paid by the employer. The employer may apply for reimbursement of the wages the member of the committee is entitled to within five days after the election, from the election office operated beside the election committee, in the event of ballot counting committees, from the local election office.

#### **Members of the election committee**

**§ 22** (1) With the exception of § 24 and 25 as well as Section § 27 (3)-(4), only voters having an address in the constituency may be members of the election committee, and only voters having an address in the settlement may be members of local

election committees.

(2) The President of the Republic, state leaders, heads of administrative offices, representatives, chairmen of county general assemblies, mayors, county/capital-clerks, members of election offices, civil servants of administrative bodies operated on the area of competence of the election committee, or candidates shall not be members of an election committee.

(3) In addition to those stipulated under paragraph (2), members of organisations nominating candidates in the constituency, and kin of candidates running in the constituency may not be elected members of an election committee.

(4) The election committees that may establish a decision-making, decision reviewing relation with each other in remedial procedure shall not consist of members who are kin.

**§ 23** (1) The three members of the ballot counting committee and the necessary alternate members shall be elected by the body of representatives of the settlement municipality subsequent to calling the general elections of members of parliament, the latest on the 20th day prior to polling day; and the head of the local election office shall submit a motion on their person. At settlements having one constituency, no separate ballot counting committee shall be elected [Section § 31 (2) l)].

(2) The three members, or, at settlements having one constituency, the five members of the local election committee and the necessary number of alternate members shall be elected by the body of representatives of the local government of the settlement subsequent to calling the general elections of the members and mayors of local governments, the latest on the 51st day prior to polling day; and the head of the local election office shall submit a motion on their person.

(3) The three members and the necessary number of alternate members of the parliamentary single mandate constituency election committees, and the regional election committees shall be elected by the metropolitan, county general assembly; and the head of the local election office shall submit a motion on their person.

(4) The five members and the necessary alternate members of the National Election Committee shall be elected by the Parliament; and the Minister of the Interior shall, taking the parties' recommendations into consideration, submit a motion on their person.

(5) The elected members of the election committees pursuant to paragraphs (3)-(4) shall be elected subsequent to calling the general elections of Members of Parliament, the latest on the 51st day prior to polling day.

**§ 24** If the election of the members of the ballot counting committee or the local election committee, due to the low number of the population or rules of incompatibility, or because the body of representatives is hindered from acting, does not take place before the end of the term stipulated by law, the members shall be immediately delegated by the regional election committee at the motion of the head of the local election office.

**§ 25** (1) One further member, in addition to those referred to in § 23, of each election committee shall be delegated either by the nominating organisation putting forward candidates or setting up a list in the constituency, or by the independent candidate.

(2) The delegated members of the election committees shall be notified to the chairman of the election committee, the delegated members of ballot-counting committees to the head of the local election office before the 9th day prior to polling day.

**§ 26** (1) The commission of the delegated members of the election committee shall last until the statutory meeting of the election committee set up for the next general elections determined under § 23.

(2) The commission of the delegated member of the election committee shall cease, with the exception of the provisions set forth under paragraph (3), simultaneously with publishing the results of the election.

(3) The commission of the members delegated into National Election Committee by the parties setting up a representative group at the constituent assembly of the Parliament, pursuant to § 25, shall last until the date defined in paragraph (1), or the dissolution of the faction. Each political party which has not delegated any member into the National Election Committee pursuant to § 25, but has set up a representative group in the Parliament, may delegate one member, whose commission shall last until the date defined in paragraph (1), or the dissolution of the faction.

(4) The commission of the member of the election committee shall cease, in addition to the provisions set forth under paragraphs (1)-(3):

- a. if the statutory conditions of the commission cease;
- b. if the election committee has ascertained the incompatibility of its member;



c. through resignation;

d. by withdrawing the commission.

**§ 27** (1) An elected member of the election committee who has died, or whose commission has, for reasons defined under Section § 26 (4), terminated, shall be replaced by an alternate member. For lack of an alternate member, the body of representatives of the settlement municipality, and the metropolitan, county general assembly or the committees designated by them, and, regarding the National Election Committee, the Parliament shall elect a new member.

(2) A delegated member of the election committee who has died, or whose commission has, for reasons defined under Section § 26 (4), terminated, may be replaced by the nominating organisation, the independent candidate, or the representative group by delegating a new member.

(3) The procedure set forth under § 24 shall be applied when, due to reasons defined therein, the new member of the ballot counting committee or the local election committee has not been elected.

(4) If, on polling day, the number of the members of the ballot counting committee is less than five, the head of the local election office may supplement the committee by adding alternate members or members from other ballot counting committees. If it is not possible to supplement the ballot counting committee in such fashion, then the head of the regional election office shall arrange for same by delegating members or alternate members of ballot counting committees of other settlements having taken an oath.

**§ 28** (1) The members of the election committee shall take an oath in the presence of the competent mayor, the Mayor of the capital, the chairman of the county general assembly, or the Speaker of Parliament. The text of the oath shall be set forth in Annex 1.

(2) The election committee, once it has elected its members and they have taken an oath, shall hold a statutory meeting. At the statutory meeting, it shall elect its chairman and its deputy from the elected members.

(3) The election committee shall be represented by its chairman. If the election committee has no chairman or the chairman is hindered from acting, the chairman's responsibilities shall be met by its deputy.

(4) The rights and obligations of the elected and commissioned members are identical, with the exception that delegated members are not entitled to receive any fee.

#### **The decision of the election committee**

**§ 29** (1) The election committee shall act as a body; for making decisions the presence of the majority of the members and the identical voting of the members present are required. Voting may be completed by yes or no.

(2) Of the meetings of the election committee minutes shall be made out. In the minutes minority opinions, together with their supporting reasons, shall be also recorded. At their request, one copy of the minutes will be handed over by the election committee free of charge to the representatives of each candidate.

#### **Establishing the facts of the case**

**§ 29/A** (1) The election committee is obliged to establish the facts of the case necessary for making decision.

(2) In the procedure of the election committee any and all evidences (especially documents, the applicant's statement, the witness's statement, etc.) may be used that are suitable for facilitating the establishment of the facts of the case. Facts officially known to the election committee and facts of public knowledge shall not be proved. The election committee shall assess evidences one by one and on the aggregate, and shall in accordance with their conviction based on that establish the facts of the case.

(3) The election committee shall ensure that the applicant, on request, could make an oral statement. In this case, the adverse party, if it is present, shall be also allowed to make an oral statement.

#### **The resolution**

**§ 29/B** (1) The election committee shall decide the case by adopting a resolution. The resolution shall be enacted in a written document on the day it enters into force.

(2) The resolution shall contain

- a) the name of the election committee, the number of the resolution,
- b) the applicant's name and address (seat),
- c) the description of the subject of the case,
- d) in the operative clause, the decision of the election committee; information about the option of lodging an appeal (submitting an application for judicial revision),
- e) in the reasons, the facts of the case established and the evidences accepted as the bases thereof, the demonstration indicated by the applicant but dispensed with and the reasons for such dispensation, and the specific sections of rules of law that provide legal ground for the committee to adopt its resolution.

(3) If there is any name, number other item incorrectly written in the resolution, the election committee may, on request or ex officio, correct it. A resolution that contains any calculation error may be corrected only if such correction of the calculation error does not affect the case on the merits.

### **Communicating the resolution**

**§ 29/C** (1) The resolution shall be directly communicated to the applicant, and to the person on whom the resolution confers rights or imposes obligations subject to their being present or their fax number or electronic e-mail address being available, on the day the resolution is adopted. The resolution may be directly communicated

- a) to the persons present by handing over the resolution,
- b) by fax,
- c) in the form of electronic document (e-mail), or
- d) to the delivery agent pursuant to the provisions set forth in clauses a)-c).

The way(s) of directly communicating the resolution shall be defined by the applicant.

(2) The fact and way of communicating the resolution pursuant to paragraph (1) shall be noted on the instrument, and the document verifying it shall be placed in the file.

(3) If it is not handed over pursuant to paragraph (1) clause a), the resolution shall be delivered to the persons concerned.

(4) The resolution shall be handed over, free of charge, to the delegated members of the election committee.

(5) Except for personal data, the election committee will publish its resolution.

### **The ballot counting committee**

**§ 30** The ballot counting committee shall consist of minimum five members.

### **The local election committee**

**§ 31** (1) The local election committee shall consist of minimum three, or, at settlements having one constituency, five members.

(2) At settlements having one constituency, the local election committee shall meet the responsibilities of the ballot counting committee.

### **Parliamentary single mandate constituency election committee**

**§ 32** The parliamentary single mandate constituency election committee shall consist of minimum three members.

### **Regional election committee**

**§ 33** The regional election committee shall consist of minimum three members.

## National Election Committee

**§ 34** The National Election Committee shall consist of minimum five members.

### Election offices

**§ 35** (1) Election offices are bodies fulfilling the state's responsibilities in connection with preparing, organising, conducting the elections, providing voters, candidates and nominating organisations with information free from any party bias, handling electoral data, creating technical conditions, checking compliance with statutory conditions and professional rules.

(2) Except for ballot counting committees, an election office shall operate beside each election committee, and at foreign representations. Beside the ballot counting committee one member of the local election office shall act as the keeper of the minutes.

(3) The head of the local and the parliamentary single mandate constituency election office shall be the competent clerk; the head of the regional election office shall be the county/capital-clerk. The head of the election office at foreign representations shall be delegated by the head of the National Election Office for an indefinite period.

**§ 36** (1) The members of the election office shall be delegated by the head of the election office, the head and members of the National Election Office by the Minister of the Interior, the members of election offices at foreign representations by the head of the National Election Office for an indefinite period.

(2) The head of the election office shall take an oath in the presence of the head of the superior election office. The members of the election office and the head of the National Election Office shall take an oath when delegated in the presence of the official delegating them. The text of the oath shall be set forth under Annex 1.

**§ 37** (1) Only public officials and civil servants may be delegated to the election office as members. Members of the staff of diplomatic missions and consulates who are Hungarian citizens may be also delegated to election offices at foreign representations as members or head.

(2) Representatives, chairmen of county general assemblies, mayors, members of election committees, persons running as candidates in the constituency and their kin, or members of nominating organisations putting forward candidates in the constituency shall not be members of the election office.

(3) If any reason for exclusion arises against the head of the election office, such head shall immediately make this reason known to the head of the superior election office, the head of the National Election Office to the Minister of the Interior, who shall appoint a new head of the office. The members of the election office shall immediately inform the head of the election office about any reason of exclusion arising against them, who shall recall them.

**§ 38** (1) The responsibilities of the election office shall be to:

- a. publish an announcement regarding the date of the election, useful information related to the election, nomination, voting, and the number of proposals necessary for valid nomination;
- b. publish the names of the candidates, nominating organisations of the constituency, and the fact of nominating independent candidates;
- c. publish the name of the members of the election committees and the head of the election office, the address of the office of the election bodies;
- d. organise training for the members of election bodies, provide voters with information free from any party bias;
- e. operate the information systems of the election;
- f. fulfil technical tasks related to checking the proposal of candidates;
- g. operate the computer program detecting election frauds;
- h. meet other responsibilities defined under the Decree of the Minister of the Interior.

(2) The election office may within its scope of duty publish public service publications, announcements.

**§ 39** (1) The professional activity of election offices shall be controlled by the Minister of the Interior through the head of the

National Election Office.

(2) The head of the National Election Office to the heads of other election offices, the head of the regional election office to the head of the parliamentary single mandate constituency and the local election office subject to his or her scope of competence, the head of the parliamentary single mandate constituency election office to the head of the local election office subject to his or her area of competence may give direct instructions with regard to fulfilling the tasks determined under this Act.

(3) The mayor, the body of representatives, and the general assembly and its official may not give instructions to the head of the election office with regard to fulfilling tasks related to preparing and conducting the elections.

## **CHAPTER VI**

### **ELECTION CAMPAIGN**

#### **Campaign period**

**§ 40** (1) The election campaign shall last from the call for the election to 0:00 hours of the day prior to voting.

(2) From 0:00 hours on the day prior to voting to the termination of voting it is prohibited to run any election campaign (campaign silence period).

#### **Infringement of the campaign silence period**

**§ 41** Any influencing of the will of the voters; so, especially services provided free of charge for voters by the candidate or the nominating organisation (organised transportation to the polling station; supplying food and drinks), distributing party badges, flags, party symbols, tokens containing the candidate's photograph or name, placement of election posters (hereinafter referred to as "posters"), providing information in electronic or other form suitable for influencing the voters' will, shall be deemed infringement of the campaign silence period.

#### **Posters**

**§ 42** (1) Until the end of the election campaign nominating organisations and candidates may produce posters without permission. Posters shall be considered products of the media, which may be produced without permission or notification. In other respects, the rules of law on the media shall apply.

(2) Posters, except for the cases defined under paragraphs (3)-(6), may be placed without any limitation.

(3) Posters may not be placed on the wall of buildings, fences unless with the consent of the owner, the tenants, or, in the event of real estates owned by the state or the local government, of the party that exercises trustee's right.

(4) On certain public buildings or on specific parts of public domain, the placement of posters may be prohibited by the local government, in the capital by the municipality of the capital for reasons of protection of monuments and the environment. It is prohibited to place posters on or inside buildings that serve as premises for public or local government authorities.

(5) With regard to the placement of self-standing advertising equipment serving the election campaign the rules on using public domain shall apply.

(6) Posters shall be placed in such fashion that they should not cover the posters of other candidates or nominating organisations, and that they may be removed without causing any damage. Posters shall be removed in 30 days from the polling day by those who have placed them or on behalf of whom they have been placed.

#### **Meeting**

**§ 43** (1) Election meetings are public. The organiser of the meeting shall arrange for the maintenance of order.

(2) For the purposes of the election campaign, state and local government budgetary agencies may make premises and other necessary equipment available to the nominating organisations under equal conditions. In buildings serving as premises for state or local government authorities it is prohibited to run any election campaign, hold meetings, except at settlements with less than five hundred inhabitants, provided that no other community building is available for this purpose.

#### **Radio and television transmission**

**§ 44** (1) During the campaign period program providers may publish political advertisements under equal conditions for nominating organisations and candidates. No opinion, assessing explanation shall be attached to such political advertisements.

(2) In other respects, regarding broadcasters' participation in the election campaign the provisions of the law on radio and television shall apply.

### **Legal remedy regarding media campaign**

**§ 44/A** (1) Reserves regarding the participation of the media in the election campaign (so especially with respect to violating the basic principles of the electoral procedure, the publication of political advertisements) will be adjudged

- a) regarding periodicals distributed nationally or local provision of programs, by the competent local election committee of the seat or address of the publisher or the program provider,
- b) regarding regional provision of programs, by the competent regional election committee of the seat or address of the program provider,
- c) regarding periodicals distributed nationally, news agencies or nationwide provision of programs, by the National Election Committee.

(2) If the election committee sustains the reserve, in addition to the legal consequences set forth under Section § 78 (1), it may oblige the editorial staff of the periodical, the program provider or news agency to publish its resolution or the operative clause thereof

- a) within three days regarding daily newspapers and news agencies,
- b) the same way in the next issue regarding periodicals,
- c) within three days regarding program providers, in the period of the day and on as many occasions when and as many times the announcement violating the law was broadcast.

(3) In the reserve it is enough to indicate the program item producing the evidence of violation, it shall not be attached; the evidence indicated will be obtained by the election committee ex officio.

### **Supply of data**

**§ 45** (1) The central office of the particulars and address register shall deliver the first name(s) and family name and address of voters indicated in the register to the candidates, nominating organisations at their request, for payment of a fee, under equal conditions, after the 20th day prior to polling day. It is possible to apply for such data split per gender, age group or address.

(2) A copy of the register publicly displayed, split maximum per electoral district, shall be delivered by the head of the local election office to the candidate, the nominating organisation on the grounds of a claim reported in writing by the candidate, the nominating organisation, against payment of a fee, under equal conditions, after the 20th day prior to the polling day.

(3) The details of the data supplied pursuant to paragraph (1)-(2) may be used solely for the purposes of the election campaign. It is prohibited to exploit them for any other purpose, or disclose them to unauthorised persons, organisations, other candidates or nominating organisations. The data supplied shall be annihilated on polling day, and the minutes made out thereof shall be submitted to the provider of the data.

(4) For the purposes of the election campaign, apart from the head of the local election office, and the central office of the particulars and address register, other state or local government bodies shall not disclose personal data from their own registration to candidates, nominating organisations.

## **CHAPTER VII**

### **PROPOSAL**

**§ 46** (1) Candidates may be proposed on proposal coupons. Proposal coupons shall be forwarded to voters together with the information notices.

(2) Candidates may be proposed by voters whose domicile is located in the constituency.

(3) Candidates may be proposed before the 23rd day prior to voting.

(4) Proposals may not be withdrawn.

**§ 47** (1) Candidates may be proposed on the proposal coupon by delivering the coupons filled in to the representative of the candidates, or the nominating organisations.

(2) The proposal coupons forwarded to voters shall contain the name of the election. The proposing voter shall indicate his or her first name(s) and family name, address, personal identification number; the first name(s) and family name of the person proposed, the name of the nominating organisation, or the fact of nominating an independent candidate. The proposal coupon shall be signed by the voter with his or her own hand.

**§ 48** (1) Proposal coupons may be collected, except for the provisions set forth under paragraph (2), anywhere without harassing citizens.

(2) Proposal coupons may not be collected:

- a. at places of work during working hours, or while one is fulfilling his or her obligations to perform work arising from employment or other legal relation concerning performance of work;
- b. from persons in service relation with the armed forces and police authorities, at the place of service, or while they fulfil tasks of service;
- c. on means of public transport;
- d. in the official rooms of state organisations and municipal bodies.

(3) It is prohibited to give advantage or to promise to give advantage to the proposer or with respect to the proposer to another person for the proposal; or to ask for or accept advantage or a promise to give advantage for the proposal.

#### **Joint candidate**

**§ 49** (1) Joint candidates may be nominated only on the grounds of proposal coupons on which all of the nominating organisations putting forward the given joint candidate are indicated.

(2) If several nominating organisations run a candidate jointly, they shall be considered hereinafter, for the purposes of the elections, one nominating organisation.

#### **Invalid proposals**

**§ 50** (1) Proposals which have been

- a. submitted not on official proposal coupons;
- b. submitted not on proposal coupons filled in pursuant to Section § 47 (2);
- c. collected by infringing the rules of proposing

shall be invalid.

(2) Any and all of the proposals of those who have proposed one and the same candidate more than once shall be invalid.

(3) Any and all of the proposals of those who have proposed more than one candidate shall be invalid.

#### **Notification of the nominating organisation**

**§ 51** (1) Nominating organisations that intend to put forward candidates or set up lists shall be notified with an extract from the court register of nongovernmental organisations issued after the call for the election:

- a. to the National Election Committee if the nominating organisation intends to put forward a candidate or set up list in several counties, or both in the area of the capital and in the territory of some county;
- b. to the regional election committee if the nominating organisation intends to put forward a candidate only in one county, or within the area of the capital but in several parliamentary single mandate constituencies, or at several settlements;

c. to the parliamentary single mandate constituency election committee, or to the local election committee if the nominating organisation intends to run a candidate only in one parliamentary single mandate constituency, or only at one settlement.

(2) The National Election Office shall maintain records of the nominating organisations notified or registered.

(3) Candidates or lists may be presented only by nominating organisations notified pursuant to paragraph (1) and registered in compliance with § 55.

#### **Notification of the candidate**

**§ 52** (1) Candidates shall be notified at the competent election committee the latest on the 23rd day prior to voting by delivering the proposal coupons.

(2) The notification shall contain the candidate's first name(s) and family name, personal identification number, address, and a declaration that he or she

a. has right to vote;

b. has accepted the nomination;

c. has no such function that is incompatible with the representative's or mayor's mandate, or that, in the event of being elected, he or she will resign it.

(3) If in the constituency two or more voters with identical first name(s) and family name intend to stand as candidates, the person notified later is obliged to arrange that he or she could be differentiated, by indicating a letter mark or second first name, from the candidate notified earlier.

#### **Notification of the list**

**§ 53** (1) Lists shall be notified by delivering the certificate made out pursuant to Section § 55 (1) which certifies the notification or registration of the necessary number of candidates required for setting up a list, or of the list.

(2) The provisions set forth under Section § 52 (2) shall be applied also with respect to the candidates indicated on the list.

(3) Maximum three times as many candidates may be indicated on the list as many mandates can be obtained on the list. The order of the candidates indicated on the list shall be determined by the nominating organisation, which may not be altered after the list has been notified. If any of the candidates have been eliminated from the list, he or she shall be replaced with the candidate coming next on the list.

#### **Checking proposals**

**§ 54** (1) The proposals shall be checked by the competent election office.

(2) The checking of the proposals shall be checking proposals numerically and in view of the provisions stipulated under Section § 46 (2), and Section § 50 (1) a)-b) and (2)-(3), furthermore establishing the identity of the voters delivering the proposal coupons.

#### **Registering the nominating organisation, the candidate and the list**

**§ 55** (1) The election office shall issue a certificate on the notification of the nominating organisation, the candidate and the list, the election committee shall issue a certificate on their registration.

(2) The competent election committee shall register each nominating organisation, candidate and list that have complied with statutory conditions in three days from notification.

**§ 56** (1) The election committee shall refuse to register the nominating organisation that has not complied with statutory conditions.

(2) The election committee shall refuse to register the candidate if the nomination has not complied with statutory conditions, or the candidate has not made the statement prescribed by law.

(3) The election committee shall refuse to register the list, if the nomination has not complied with statutory conditions.

### Provisions regarding the candidate

**§ 57** If a voter has been proposed for candidate on several places within a single type of nomination, then he or she shall state the latest before the 19th day prior to the election which nomination he or she accepts.

**§ 58** The candidate shall be eliminated if he or she has either renounced nomination in writing before the commencement of voting, or lost his or her suffrage, or died. The name of the eliminated candidate shall be deleted from the register of candidates and the ballot-papers.

### Protection of data related to proposals

**§ 59** (1) It is prohibited to make copies of the proposal coupons. The technical records maintained in order to ascertain the validity of the nomination shall not be considered such copy.

(2) The data of the proposal regarding the proposing person shall not be public. In the event of any reserve, the data of the proposal coupon and the technical records may be checked by the competent election committee, the election office and the court.

(3) The proposal coupons and the technical records shall be annihilated by the competent election office on the day of the election.

(4) The nominating organisation's entitlement to nominate may be checked by the election committee in the records of social organisations registered by the court.

**§ 60** The candidate shall annihilate the proposal coupons not submitted, in three days from the expiry of the term available for submitting them, and shall draft minutes about such action. The minutes shall be delivered to the election committee in three days.

## CHAPTER VIII

### VOTING

#### Time, date and venue of voting

**§ 61** (1) Votes can be cast from 6:00 a.m. to 7:00 p.m. on the polling day. If the local circumstances justify it, the local election committee, or the parliamentary single mandate constituency election committee may order that the voting shall terminate at 5 o'clock.

(2) Votes may be cast only personally and, with the exceptions referred to in law, only at the polling station designated in accordance with the voter's domicile.

(3) In order to make it possible for them to vote, voters hindered from movement, shall be, at their request, visited by two members of the ballot counting committee with a mobile ballot-box.

(4) The polling station shall not be closed during the term of voting, and the voting shall not be extended, or, except for extraordinary events, interrupted. If on polling day the number of the members of the ballot counting committee becomes less than three, or voting has become impossible due to external reasons beyond control, those present are obliged to immediately suspend voting, sequester the ballot-box and the documents, and immediately advise the head of the local election office about the fact of such suspension to ensure the lawful continuation of voting.

**§ 62** (1) The polling station may not be located in a building used by the candidate or the nominating organisation.

(2) The necessary number of polling booths required for the smooth running of voting but minimum two of them shall be set up in the polling station.

(3) For the purposes of voting, two or more ballot-boxes shall be erected in the polling station.

(4) A properly fixed pen for the ballot-counting committee and the voters shall be placed in the polling station and the polling booths. The members of the ballot-counting committee shall use no other than the pen officially placed in the polling station.

(5) During the time of voting the members of the ballot-counting committee shall not use any tools suitable for data recording or data transmission in the polling station, except for the official election documents and the pen set forth in paragraph (4).

#### Commencement of voting



**§ 63** Once the election documents, forms have been placed, apart from the members of the ballot counting committee and the election office, nobody shall stay in the polling station until the commencement of voting.

**§ 64** (1) Prior to the commencement of voting, the ballot counting committee shall examine the state of the ballot-box in the presence of the voter who is the first to cast his or her ballot, and who shall not be a member of the ballot counting committee. The result of such examination shall be recorded in the polling minutes.

(2) The ballot-boxes shall be sealed, in the presence of the voter who is the first to cast his or her ballot, in such fashion that no ballot could be removed from them without taking them apart. After that, the ballot counting committee shall place a review sheet, which contain the time and date of placing such review sheet and the signatures of the members of the ballot counting committee present and the citizen who is the first to cast his or her vote, into the ballot-box.

### **The process of voting**

**§ 65** (1) The chairman of the ballot counting committee shall be responsible for the maintenance of order in the polling station and its vicinity on polling day; the measures taken by the chairman to maintain order shall be binding on everybody.

(2) During the term of voting voters may stay in the polling station no longer than required for exercising suffrage.

**§ 66** (1) In the polling station only those voters may vote who are included in the register, or who are entered in the register by the ballot counting committee.

(2) The ballot counting committee shall on the grounds of a certificate suitable for establishing identity and address establish the identity of the person who intends to vote and whether such person is included in the register. The ballot counting committee shall enter the voter in the register who

a. has a certificate;

b. certifies that his or her address is located within the area of the constituency, provided that he or she is not listed in the register of major citizens disfranchised.

(3) The ballot counting committee shall reject voters who cannot properly prove their identity and address, or who, for lack of statutory conditions, may not be entered in the register. The ballot counting committee shall draft a list about such persons.

**§ 67** (1) If there is nothing to prevent voting, the ballot counting committee shall hand over the ballot-paper to the voter and, in the presence of the voter, affix an official seal to it.

(2) The ballot counting committee shall, when necessary, without influencing the voter, explain the process of voting.

(3) When a candidate is eliminated after the ballot-papers have been produced, the ballot counting committee is obliged to inform voters about this fact on a public notice placed in the polling station, and, when necessary, orally. The name of the candidate eliminated shall be crossed out on the ballot-paper.

(4) Receipt of the ballot-paper shall be verified by voters by signing the register with their own hand. On behalf of voters unable to write, two members of the ballot counting committee shall sign the register, indicating this fact.

**§ 68** (1) There are polling booths at the voters' disposal for filling in the ballot-paper. Voters may not be obliged to use the polling booth.

(2) During the time of filling in the ballot-paper, only the voter may stay in the polling booth. Voters who cannot read, or are prevented from voting by other physical handicap or any other cause, may use the assistance of another voter, for lack of same, the joint assistance of two members of the ballot counting committee.

**§ 69** (1) Valid votes can be cast only on candidates, lists, referendum questions (in this chapter jointly referred to as "the candidate") indicated on the official ballot-paper. The samples of ballot-papers are defined under Annexes 2-10.

(2) Votes can be cast on a candidate with two intersecting lines written with pen in the circle under, above or beside the name of the candidate.

(3) The ballot-paper

a. to which no official seal has been affixed;

b. which contains more votes than defined by law

shall be invalid.

(4) The vote which

- a. has been cast on a ballot-paper deemed invalid pursuant to paragraph (3);
- b. has been cast not in compliance with paragraph (2);
- c. has been cast on a candidate eliminated

shall be invalid.

(5) It shall not affect the validity of the vote, provided that it complies with other conditions, if any remarks are made on the ballot-paper, the order of the candidates has been changed, the name of the candidate has been crossed out, or, a name has been added.

**§ 70** (1) Voters shall put the ballot-paper into an envelope, and, in the presence of the ballot counting committee, cast it into the ballot-box.

(2) If the voter, before placing it in the ballot-box, indicates that he or she has incorrectly filled in the ballot-paper, the ballot counting committee shall withdraw such incorrectly filled in ballot-paper and replace it by issuing a new ballot-paper and record this fact in the minutes. Only once per person may the committee issue a new ballot-paper to replace a ballot-paper incorrectly filled in.

**§ 71** (1) The chairman of the ballot counting committee shall close the polling station at 7:00 p.m. The voters who are staying in the polling station or in its entrance-hall may still vote. After that the ballot counting committee shall close voting.

(2) After voting has been closed, no ballots may be accepted.

#### **Voting at foreign representations**

**§ 71/A** (1) Voting at foreign representations is possible if the host state does not object to it. Voting shall not take place at foreign representations where no voter is registered.

(2) The duties set forth in Sections § 61-71 as to be carried out by the ballot counting committee will be fulfilled and the disputes arising during voting will be decided by the election office at the foreign representation. Sections § 61 (3) and (4) shall not be applied.

(3) The image of the ballot-paper will be sent by the National Election Office to election offices at the foreign representations, which produce ballot-papers by printing this image. Election offices at foreign representations will print twice as many ballot-papers as many voters are included in the register at foreign representations. Election offices at foreign representations will maintain records of the ballot-papers printed.

(4) Voters entered in the register at foreign representations may vote at the foreign representation, or, if the building of the foreign representation is not suitable for conducting voting, in another room provided by the foreign representation. At the polling station minimum one polling booth shall be set up and one ballot-box shall be erected.

(5) At foreign representations votes may be cast on the polling day in Hungary, between 6 a.m. and 7 p.m. local time. At the foreign representations where the time difference is -1 hour or -2 hours compared to Central European time zone, between 6 a.m. local time and 7 p.m. CET. At foreign representations established on the American continent votes may be cast on the day prior to voting in Hungary, between 6:00 a.m. and 7:00 p.m. local time.

(6) During voting the polling station shall not be closed, and voting shall not be extended, or, except for extraordinary circumstances, discontinued. If on the polling day voting becomes impossible due to an accidental external cause, the persons present shall immediately suspend voting, sequester the ballot-box and the documents, and immediately advise the National Election Committee about the fact of such suspension to ensure the lawful continuation of voting.

**§ 71/B** (1) The election office at the foreign representation shall, on the grounds of a certificate issued by a Hungarian authority suitable for establishing identity, establish the identity of the citizen who intends to vote, and if they are included in the register at the foreign representation. Anyone who cannot prove his or her identity as set forth above, or is not included in the register at the foreign representation shall be rejected.

(2) When handing over the ballot-paper and the envelope to the voter, a member of the election office will fill in a statement on voting, which contains the voter's first name and family name, address, personal identification number. The voter will sign the statement on voting, and a member of the election office will authenticate it.

(3) After having filled it in, the voter will place the ballot-paper into the envelope serving this purpose, and will close the envelope. The voter will hand over the closed envelope and the statement on voting to the member of the election office at the foreign representation, who places them into another (outside) envelope in the presence of the voter, closes it and hands it over to the voter. The voter will sign the outside envelope where it is sealed, and will place it into the ballot-box.

(4) If until an hour before closing voting no voter has voted at the foreign representation, a member of the ballot counting committee may be the first voter.

(5) Voting shall be closed also when all the voters registered at the foreign representation have cast their vote.

### **Forwarding ballots cast at foreign representations**

**§ 71/C** (1) After closing the voting, the election committee at the foreign representation will place the register, the register of rejected citizens, the minutes made out on extraordinary events, the records made of printed ballot-papers, unused and spoiled ballot papers bundled separately, and the minutes made out on closing the voting in the ballot-box, without opening it, and will seal the ballot-box in such fashion that no ballot-paper can be either placed into or taken out of it.

(2) The closed ballot-box will be immediately transported by the election office at the foreign representation to the National Election Office until 12 p.m. on the 4th day after the polling day in Hungary.

(3) If the ballot-box fails to arrive at the National Election Office the way determined in paragraph (1) in closed condition or within the time frame determined in paragraph (2), the ballots therein shall not be taken into consideration when determining the result, the ballot-box shall be stored without being opened, and both the ballot-box and its contents shall be annihilated after 90 days after the election. Whether the ballot-box is not in closed condition determined in paragraph (1) will be decided by the National Election Committee.

## **CHAPTER IX**

### **AGGREGATING BALLOTS**

#### **Counting ballots**

**§ 72** (1) The members of the ballot counting committee present are obliged to count each ballot-paper jointly.

(2) The ballot counting committee shall first arrange unused and spoiled ballot-papers into separate bundles and seal the bundles in such fashion that no ballot-paper can be either removed or inserted without damaging the seal.

(3) Before opening the ballot-box the ballot counting committee shall check if the ballot-box is undamaged, open the ballot-box and make sure of the existence of the review sheet, then compare the number of the ballot papers in the ballot-box to the number of persons having cast votes in the electoral district, and ignore the empty envelopes cast into the ballot-box.

(4) After that, the ballot counting committee shall arrange the invalid ballot-papers into a separate group and count them up; write the reason for invalidity on the back of the ballot-paper, which must be signed by the members of the ballot counting committee present; arrange invalid ballot-papers into a separate bundle, and seal the bundle in such fashion that no ballot paper can be either removed or inserted without damaging the seal. The serial number of the electoral district and the number of ballot-papers included in the bundle must be written on the bundles.

(5) If the ballot counting committee ascertains that the ballot-box contains a ballot-paper cast by a person not having right to vote in the given electoral district, it shall declare one vote per candidate out of the valid votes cast on candidates invalid in accordance with the number of persons having voted unlawfully.

(6) The valid ballot-papers shall be counted separately for each candidate, and then shall be arranged into bundles in compliance with paragraph (4). The number of valid votes shall be written on the bundles separately for each candidate.

(7) Ballots shall be counted at least twice.

#### **Determining the result**

**§ 73** (1) After having counted the ballots, the ballot counting committee shall determine the electoral district result of the election.

(2) Appeals against the decision of the ballot counting committee determining the electoral district results lie only together with an appeal against the decision of the election committee determining the election results.

(3) The competent election committee shall on the grounds of the minutes made by the ballot counting committees aggregate the ballots and determine the result of the election the latest on the day following the polling day.

(4) Appeals may be lodged against the decision of the election committee determining the election results by referring to

a) the unlawful nature of the decision of the ballot counting committee determining the electoral district results,  
or

b) the violation of the rules of aggregating the electoral district results and determining the election results.

(5) If the appeal lodged pursuant to Section (4) a) can be adjudged only through recounting the ballots, and there is a mathematical possibility that the results will change, the election committee adjudging the appeal, or the court adjudging the application for judicial revision is obliged to recount the ballots. When recounting the ballots the term available for adjudging the appeal or the application for judicial revision will be extended to become twice as long, and the election committee or the court may use the contribution of the members of election committees.

(6) After the ballot counting committee has determined the results of voting in the electoral district, the ballots shall not be recounted unless pursuant to paragraph (5).

### **Checking voting documents of foreign representations**

**§ 73/A** (1) The National Election Committee will examine the documents in the ballot-box arrived from foreign representations and as part of that will check the outside envelope and the statement on voting arrived from the foreign representation - without opening the inside envelope that contains the ballot - on the basis of the data of the register at foreign representations, in order to ascertain if the ballot has been cast by the person entitled to do so.

(2) The voting documents shall be invalid if

a) the voter is not included in the register at the foreign representation,

b) the voter has not signed the outside envelope, and the envelope has not been sealed or is damaged,

c) the statement on voting or the inside envelope containing the ballot is missing from the envelope,

d) the inside envelope has not been sealed,

e) the statement does not contain the voter's particulars or signature,

f) the voter's particulars indicated on the statement differ from the particulars indicated in the register at foreign representations,

g) the statement does not contain the authentication of the election office.

(3) If the voting document is invalid pursuant to paragraph (2), the reason for this shall be indicated on the outside envelope, and the contents of the outside envelope shall be placed in the outside envelope again, without opening the inside envelope that contains the ballot. These envelopes shall be bundled separately, and shall be stored at a safe place in the election office until they are annihilated.

(4) If the voting document is not invalid pursuant to paragraph (2), the inside envelope that contains the ballot shall be stored, without opening it, by the election committee until all outside envelopes have been opened. The statement on voting shall be bundled separately.

### **Minutes**

**§ 74** (1) Minutes shall be made on counting up the ballots and determining the electoral district and election results. Minutes may not be drawn up with pencil.

(2) Minutes shall be made in two copies, which must be signed by the members of the ballot counting committee present.

(3) The relevant election committee shall deliver one copy of the minutes together with the resolutions that belong to them to each candidate's representative present, at their request, free of charge. After multiplication, the copy shall be authenticated by the chairman of the election committee by affixing a seal to it and signing it.

**§ 75** (1) The ballot counting committee shall immediately transport the minutes, the election documents, forms and ballot-papers, together with the ballot-box, to the local election office.

(2) One copy of the minutes may be inspected at the relevant election office in three days from the polling day.

(3) The ballot-papers shall be placed at the mayor's office, in the presence of the members of the relevant election committee, and shall be retained for 90 days in such fashion that unauthorised persons could not have access to them. In the event of any reserve regarding the results of the election, the relevant ballot-papers shall be retained until the case has been settled with legal force. After 90 days, the election documents, except for the minutes, shall be annihilated.

(4) After 90 days have passed, the first copy of the minutes shall be delivered to the relevant archives.

#### **Data sheet**

**§ 76** (1) The keeper of the minutes of the ballot counting committee shall immediately make out a data sheet on the results of the counting up of the ballots, and shall forward the data content of them out of turn through the local election office, the parliamentary single mandate constituency election office and the regional election office to the National Election Office.

(2) The election offices shall publish the informative data containing the unauthenticated results of the election.

## **CHAPTER X**

### **LEGAL REMEDIES**

#### **Reserves**

**§ 77** (1) Reserves may be lodged by anybody by referring to the infringement of any of the rules of law applying to elections or the basic principles of elections and the electoral procedure (§ 3) (hereinafter jointly referred to as violation). Reserves shall be lodged in such fashion that they are received the latest in three days from the date of committing the violation found injurious. The election committee shall decide the reserve submitted in three days from receipt thereof, or, in the event of remittal, from receipt thereof by the election committee entitled to adjudge it.

(2) Reserves shall contain

- a) the indication of the violation,
- b) the evidences of the violation,
- c) the name, address (seat) and, if it is different from the address (seat), the postal notify address of the person having submitted the reserve,
- d) either the fax number or the electronic e-mail address, or the delivery agent's name and fax number or electronic e-mail address of the person submitting the reserve within his/her own discretion.

(3) If the election committee deems that the election committee to whom the reserve has been submitted to is not entitled to adjudge it, the election committee will refer the case, the latest on the day following the date of the receipt thereof, to the election committee entitled to adjudge it, which is obliged to act in the case.

(4) The election committee may assign its powers pursuant to paragraph (3) to the chairman of the committee. If the election committee or its chairman does not refer the case to another election committee, the election committee will be obliged to act in the case.

(5) If it fails to arrive on time or contain what is set forth in clauses a)-c) of paragraph (2), the reserve shall be dismissed without examining it on the merits. If the reserve is referred to another committee, compliance with submitting the reserve within the defined time frame shall be examined regarding the date when it was received by the first election committee.

(6) The reserve may be withdrawn until the adoption of the election committee's resolution; however, the election committee may continue the procedure ex officio.

(7) Reserves against the activity of election offices at foreign representations will be decided by the National Election Committee. The reserve shall be lodged with the head of the election office at the foreign representation, who shall immediately forward it to the National Election Office by fax or in electronic format. The reserve may be also submitted directly to the National Election Office.

**§ 78** (1) If the election committee sustains the reserve, it will

- a) establish the fact of violation,
- b) bar the violator from further violation,
- c) annul the election procedure or the part thereof affected by the violation, and cause it to be repeated.

(2) It does not exclude the annulment and repeated conduction of voting if the time frame available for submitting appeals pursuant to § 73 has passed without any result or the remedial proceedings have been closed.

(3) If the election committee does not sustain the reserve, it will dismiss it.

### **Appeals**

**§ 79** (1) Appeals against the election committee's resolution of the first instance may be submitted by any voter, candidate, nominating organisation or legal person concerned in the case.

(2) The appeal may be lodged

- a) by referring to violation of rules of law, or
- b) against the resolution of the election committee adopted in its discretionary jurisdiction.

(3) No appeal lies against the resolution adopted by the election committee acting as a body of the second instance, and against the resolution of the National Election Committee.

**§ 80** (1) The appeal shall be addressed to the election committee having adopted the resolution contested (appeals against the decision of the ballot counting committee to the election committee entitled to adjudge the case).

(2) The appeal shall be submitted in such fashion that it is received by the election committee defined in paragraph (1) the latest in three days from the adoption of the resolution contested.

(3) Appeals against the election committee's decision regarding the approval of the data content of the ballot paper shall be submitted in such fashion that it is received the latest on the day following the decision of the election committee. The election committee adjudging the appeal will decide the case the latest on the day following the submission of the appeal.

(4) The appeal shall contain

- a) the grounds of the appeal pursuant to Section § 79 (2),
- b) the name, address (seat) and, if it is different from the address (seat), the postal notify address of the person having submitted the appeal,
- c) either the fax number or the electronic e-mail address, or the delivery agent's name and fax number or electronic e-mail address of the person submitting the appeal within his/her own discretion.

(5) In the appeal new facts or evidences may be also brought up.

(6) The appeal may be withdrawn until the adoption of the election committee's resolution; however, the election committee may continue the procedure ex officio.

(7) The appeal together with all of its documents shall be addressed on the day it is received to the election committee entitled to adjudge it. When submitting the appeal, the election committee acting as a body of first instance may make a statement on its standpoint taken on the appeal.

### **Appellate procedure**

**§ 81** (1) The appeal will be decided by the election committee entitled to adjudge it in three days from receipt thereof.

(2) Appeals that fail to arrive on time, or have been submitted not to the election committee defined in Section § 81 (1), or fail to contain what is set forth in Section § 80 (4) a)-b) shall be dismissed without examining them on the merits. The appeal may

not be dismissed if the party entitled submits it within the defined time frame to the election committee entitled to adjudge it.

(3) On the grounds of the appeal, the election committee entitled to adjudge it will examine the resolution found injurious and the procedure preceding it.

(4) The election committee acting as a body of the second instance will

- a) sustain the resolution contested by the appeal, or will
- b) change it.

(5) The resolution adopted in the appellate procedure will be communicated by the election committee having acted as a body of the second instance to the appellant and those to whom the resolution of the first instance has been made known.

(6) The election committee acting as a body of the second instance will return the documents sent in order to adjudge the appeal together with the resolution to the election committee acting as a body of first instance in five days from the adoption of the resolution, or, in the event of submitting a request for judicial revision, from the adjudging thereof.

### **Judicial revision**

**§ 82** (1) Applications for judicial revisions against the election committee's resolution of the second instance, and against the resolution of the National Election Committee may be submitted by any voter, candidate, nominating organisation, or legal person concerned in the case.

(2) The application for judicial revision may be submitted

- a) by referring to violation of rules of law, or
- b) against the election committee's resolution adopted in its discretionary jurisdiction.

(3) Judicial revision shall not be conducted unless the right of appeal in the appellate procedure has been exhausted, or appealing is excluded pursuant to the provisions of this law.

(4) Applications for judicial revision may be withdrawn.

**§ 83** (1) Applications for judicial revision shall be addressed to the election committee having adopted the resolution contested.

(2) Applications for judicial revision shall be submitted in such fashion that they are received the latest in three days from the adoption of the resolution contested by the election committee defined in paragraph (1).

(3) Applications for judicial revision against the election committee's decision regarding the approval of the data content of the ballot paper shall be submitted in such fashion that they are received the latest on the day following the date of the election committee's decision. The court adjudging the application for judicial revision will adopt its decision the latest on the day following the day the application for judicial revision is addressed to it.

(4) The application for judicial revision shall contain

- a) the indication of the legal grounds pursuant to Section § 82 (2),
- b) the name, address (seat) and, if it is different from the address (seat), the postal notify address of the person having submitted the application,
- c) either the fax number or the electronic e-mail address, or the delivery agent's name and fax number or electronic e-mail address of the person submitting the application within his/her own discretion.

(5) In the application for judicial revision new facts and evidences may be brought up.

(6) The application for judicial revision together with all of its documents will be addressed by the election committee on the day it is received to the court entitled to adjudge it. When submitting the application, the election committee adopting the resolution contested may make a statement on its standpoint taken on the application for judicial revision.

(7) The application for judicial revision will be adjudged by the competent county, metropolitan court of the seat of the election committee adopting the resolution of the second instance. Applications for judicial revision against the resolution of the National

Election Committee will be adjudged by the Supreme Court.

### **Judicial revision procedure**

**§ 84** (1) In the judicial revision procedure it is compulsory to provide representation by counsel. Persons having taken special examination in law may act in their own case without representation by counsel.

(2) The court shall decide the application for judicial revision in non-legal proceedings, in a council consisting of three professional judges.

(3) The application for judicial revision will be decided by the court in three days from the day it is addressed to it.

(4) Applications for judicial revision that fail to arrive on time, have been submitted not to the election committee defined in Section § 83 (1), or fail to contain what is set forth in Section § 83 (4) a) and b), shall be dismissed without examining them on the merits

(5) The application may not be dismissed if the appellant has submitted it within the defined time frame to the court entitled to adjudge it. In this case, by directly contacting the head of the regional election office, the court shall immediately arrange for obtaining the documents and allow the election committee to submit its standpoint taken on the application for judicial revision.

(6) On the grounds of the application for judicial revision, the court will examine the resolution found injurious and the procedure preceding it. On the appellant's request, the court ensures that an oral statement could be made. In this case, it shall be made possible also for the adverse party to make an oral statement.

(7) The court

a) will sustain the resolution contested, or

b) will change it.

(8) The decree adopted in the judicial revision will be communicated by the court to the appellant and those to whom the resolution of the second instance has been made known.

(9) Except for personal data, the court will publish its decree.

(10) Against the court's decree no further legal remedy lies.

**§ 85** The provisions set forth in this chapter shall be applied to legal remedy regarding the compilation of the register, the media campaign, and the determination of the results, with deviations set forth in Section § 20/E, § 44/A and § 73.

## **PART TWO**

### **SPECIAL PROVISIONS**

#### **CHAPTER XI**

#### **THE ELECTION OF MEMBERS OF PARLIAMENT**

**§ 86** The provisions of Chapters I-X shall be applied with regard to the election of the Members of Parliament with the deviations set forth under this Chapter.

#### **The call for the election**

**§ 86/A** (1) The second round of the election of Members of Parliament shall be called, simultaneously with calling the first round, for the 14th day following the first round.

(2) By-elections are called by the National Election Committee.

(3) By-elections shall be called for a date within four months from the date the seat becomes vacant. If the by-election is invalid or inconclusive, the next by-election shall be called for a date within four months from the date of the invalid or inconclusive election.



(4) By-elections shall not be called for a date between 1 January and 31 August in the year of general elections.

### **The publicity of the electoral procedure**

**§ 87** (1) About the second round of the election the competent election committee will inform voters through an announcement or an election bill.

(2) The result of the election is published by the National Election Committee through the press.

(3) The final result of the election aggregated nationally is published by the National Election Committee in the Official Gazette of Hungary.

(4) The observer at the foreign representation shall be notified until the 16th day preceding the first round of the election (the polling day in Hungary).

### **Constituencies, electoral districts**

**§ 88** Principles of establishing constituencies:

- a) the single mandate constituency shall be within the territory of the capital, county,
- b) the entire territory of the settlement municipality shall be within the single mandate constituency; in the capital the single mandate constituency may cover two or more district municipalities of the capital; districts of the capital and cities having county rights may be divided into two or more single mandate constituencies,
- c) the seat of the single mandate constituency shall be, preferably, in a town/city,
- d) a town/city and its draw area may constitute one constituency,
- e) the regional constituency is identical with the territory of the capital or the county.

### **Registration of suffrage**

**§ 89** (1) Voters who are away from their address but stay on the territory of Hungary on polling day may by presenting a certificate obtained from the head of the local election office of their address request of the head of the local election office, or, on polling day, the ballot counting committee of the settlement where they stay on the polling day to enter them in the register. On the strength of such certificate, citizens may vote at the settlement where they stay.

(2) Simultaneously with issuing the certificate, the head of the local election office of the address shall delete the voter from the register. On the grounds of the voter's statement, the settlement where the voter intends to vote shall be indicated in the certificate, and shall be stated in the register. Receipt of the certificate shall be acknowledged by the voter, or the person authorised by the voter on the strength of an authorisation made out for this purpose, by signature.

(3) On the grounds of the certificate and a card suitable for proving identity and address, the head of the local election office of the place of residence or the ballot counting committee shall enter the voter in a special register. The certificate and the special register shall be preserved as part of the election documents.

(4) The certificate may be issued the latest on the second day before the first round. The certificate may be requested either personally or through an authorised delegate. The certificate may be requested also by registered mail, on condition that it is received by the competent local election office the latest before the 5th day prior to the first round. The settlement where the voter intends to vote shall be indicated in the letter. The certificate requested in the letter shall be sent by certified mail with receipt of delivery requested to the voter to the address given by him or her.

(5) In order to issue the certificate, the person requesting the certificate shall disclose his/her name, personal identification number, address, the name of the settlement where he/she stay on polling day, and shall state if he/she requests the certificate for the first or the second, or both rounds of the election.

**§ 89/A** After the day preceding the first round of the election, the register shall not be modified because of change in the address.

**§ 89/B** (1) Inclusion in the register at foreign representations shall be applied for until the 23rd day preceding the first round of the election (the polling day in Hungary).

(2) In the application for inclusion in the register at foreign representations, the voter is obliged to indicate whether he/she

requests his/her inclusion in the register at foreign representations for the first, the second round or both rounds of the election.

(3) The application shall be dismissed if it does not contain the data pursuant to paragraph (2).

(4) The register at foreign representations also indicates the constituency and the election round.

(5) The head of the local election office shall send the data of the register at the foreign representation to the National Election Office until the 15th day prior to voting in Hungary.

(6) The National Election Office shall send the data of the register at foreign representations also to the competent parliamentary single mandate constituency election committee.

### **Election bodies**

**§ 90** (1) In the election of Members of Parliament the following election committees shall operate:

- a) ballot counting committee;
- b) local election committee fulfilling the duties of the ballot counting committee at settlements having one constituency;
- c) parliamentary single mandate constituency election committee;
- d) regional election committee;
- e) National Election Committee.

(2) In the election of Members of Parliament the following election offices shall operate:

- a) local election office;
- b) election office at foreign representations;
- c) single mandate constituency election office;
- d) regional election office;
- e) National Election Office.

### **The powers of election committees**

**§ 90/A** (1) The ballot counting committee shall

- a) check the polling station, conduct voting, arrange for the lawful implementation of voting,
- b) decide disputes arising during voting,
- c) count the ballots, and determine the result in the electoral district, and make out minutes thereof,
- d) propose for the competent election committee to annul the results of the electoral district if it notices any violation of law that affects the results on the merits.

(2) The parliamentary single mandate constituency election committee shall

- a) decide the registration or refusal of candidates in single mandate constituencies and of nominating organisations that intend to put forward candidates only in one single mandate constituency,
- b) approve the data content of the ballot paper of the single mandate constituency,
- c) decide reserves regarding the election in single mandate constituency,

d) decide appeals against resolutions adopted by the ballot counting committee pursuant to clause a) and b) paragraph (1) that concern exclusively the election in single mandate constituency, and that concern both the single mandate constituency and regional list elections,

e) annul the results of voting if it establishes any violation of law that affects it on the merits,

f) determine and publish the results of the election in single mandate constituency,

g) issue the letter of appointment to the representatives in the parliamentary single mandate constituency,

h) initiate the call for by-election with the National Election Committee,

i) initiate the decision of the body having powers, in case any violation of law is made known to it.

(3) The regional election committee shall

a) decide the registration or refusal of lists and the candidates included in them, and nominating organisations that intend to put forward candidates only in one county/the capital,

b) draw the sequence number of regional lists,

c) approve the data content of the ballot papers of regional lists,

d) decide reserves regarding the election of regional lists,

e) decide appeals against the resolution adopted by the ballot counting committee pursuant to clause a) and b) paragraph (1) that concern exclusively the election of regional lists,

f) decide appeals against the parliamentary single mandate constituency election committee,

g) annul the results of voting, if it establishes any violation of law that affects it on the merits,

h) determine and publish the results of the election in the regional constituency,

i) issue the letter of appointment to representatives who have obtained a seat on a regional list,

j) initiate the decision of the body having powers, in case any violation of law is made known to it.

(3) The National Election Committee shall

a) issue a standpoint in order to develop a uniform interpretation of rules of law and uniform legal practice regarding the elections; the standpoint works as a guideline, no appeal against it lies; the standpoint shall be published in the Official Gazette of Hungary,

b) decide the registration or refusal of national lists and the candidates included in them, and of nominating organisations that intend to put forward candidates in several counties/in the capital,

c) draw the sequence number of national lists,

d) decide reserves regarding the activity of election offices at foreign representations, and any reserve that do not fall within the competence of the parliamentary single mandate constituency election committee, or the regional election committee,

e) decide appeals against the resolution of the regional election committee,

f) annul the result of voting, if it establishes any violation of law that affects it on the merits,

g) determine which nominating organisations have reached the % voting threshold of the extent defined in law,

h) determine who have won a mandate in the elections of Members of Parliament out of the candidates on national lists,

- i) issue the letter of appointment to the representatives who have obtained a mandate on national lists,
- j) determine and publish the nationally aggregated results of the elections,
- k) call the by-election of Members of Parliament, and determine the deadlines thereof calculated according to calendar days,
- l) initiate the decision of the body having powers, in case any violation of law is made known to it,
- m) report on the general elections of Members of Parliament to the Parliament.

### **Election campaign**

**§ 91** (1) Each nominating organisation that puts forward candidates in elections is entitled to budgetary support in proportion to putting forward candidates. Independent candidates are given budgetary support equal to the support received by the candidates of nominating organisations. The amount of funds that can be spent on budgetary support nationally shall be determined by the Parliament.

(2) When determining the support per candidate, the number of candidates in single mandate constituencies, the number of candidates on regional lists split per political parties but maximum the number of candidates identical with the number of obtainable mandates, and the number of candidates actually included in national lists but maximum 58 per party shall be taken into consideration. The person nominated both in a single mandate constituency and on a list, or both on a regional and a national list shall be considered in accordance with the number of nominations.

(3) The allocation of the budgetary support that can be spent on elections will be implemented to nominating organisations in one amount, to independent candidates per person, on the grounds of the decision of the National Election Committee, in 5 days from thereof, by the Ministry of Finance or the financial institution designated by it.

(4) The budgetary support defined in paragraph (1) shall serve to cover only material costs. Nominating organisations and independent candidates shall account for the utilisation of the support in 30 days after the elections at the point of payment.

**§ 92** (1) In addition to the budgetary support set forth in § 91, independent candidates and nominating organisations may spend maximum one million Hungarian forints per candidate on the elections. The number of candidates that can be considered shall be determined pursuant to Section § 91 (2).

(2) Each nominating organisation and independent candidate shall publish the amount, resource and method of utilisation of state subsidies and other funds, financial supports spent on the elections in the Official Gazette of Hungary, in 60 days after the second round of the elections.

(3) The utilisation of public and other funds spent the elections will be examined by the State Audit Office in one year after the second round of the elections ex officio regarding the nominating organisations and independent candidates having won parliamentary representation, and at the request of other candidates, nominating organisations regarding other candidates and nominating organisations. The application for such examination shall be submitted in 3 months after the second round of the elections. A motion of evidence shall be attached to the application.

(4) The nominating organisation or independent candidate that has violated the rule set forth in paragraph (1), is obliged to pay the double amount of the value by which it has exceeded the defined limit in 15 days to the central budget, and this amount shall be used for preparing first-time voters. In case of delay the debt shall be collected as tax.

**§ 93** (1) National public service program providers shall publish the political advertisements of nominating organisations putting forward national lists, regional public service program providers shall publish the political advertisements of nominating organisations putting forward regional lists in their region of reception, local public service program providers shall publish the political advertisements of candidates announcing themselves in single mandate constituencies in their region of reception from the 18th day preceding the elections the latest until the 3rd day before the elections, at least once, free of charge.

(2) On the last day of the election campaign the program providers defined in paragraph (1) shall publish the political advertisements produced by nominating organisations and candidates pursuant to the provisions set forth in paragraph (1), free of charge.

### **Proposal**

**§ 94** (1) Regional lists and the candidates included in them shall be notified the latest on the 20th day prior to voting, national lists and the candidates included in them on the 19th day prior to voting.

(2) The right of presenting lists shall not be affected by the fact that the candidate in the single mandate constituency has

fallen out.

**§ 95** (1) The linking of lists, the order of linked lists and the order of access to mandate of the candidates indicated on the lists shall be notified the latest on the 18th day prior to voting. The notification regarding linking lists will be published by the election committee.

(2) When drawing the order of the lists, the lists taking part in linking shall be drawn jointly; the lists taking part in linking will be given a consecutive sequence number, in accordance with the order notified pursuant to paragraph (1).

(3) The distribution of fragmentary votes of joint candidates and joint regional lists shall be notified the latest on the 18th day prior to voting. The notification will be published by the election committee.

(4) Simultaneously with presenting a joint list, it shall be notified which nominating organisation has put forward each candidate.

### **Voting**

**§ 96** (1) A separate ballot paper serves voting on single mandate constituency candidates and another one voting on regional lists.

(2) The ballot paper of single mandate constituencies contain the candidates' officially used first name(s) and family names in alphabetic order, the distinguishing mark pursuant to Section § 52 (3), and the name of the nominating organisation, and the fact of independent nomination.

(3) The regional list ballot paper contains the name of nominating organisations in the order drawn by the election committee. On the ballot paper, the names of the first five candidates out of the candidates put forward on the list and the fact of possible linking of lists shall be indicated in the order notified by the nominating organisation.

(4) On each ballot paper, at the request of the nominating organisation, the abbreviated form of its name, the black-and-white print of its symbol or badge shall be indicated beside the name of the nominating organisation.

(5) In the event of putting forward joint candidates or setting up joint lists, the name of each nominating organisation shall be indicated on the ballot paper.

### **Voting at foreign representations**

**§ 96/A** (1) In the first round, votes may be cast at foreign representations on the 7th day before the polling day in Hungary, between 6 a.m. and 7 p.m. local time. At the foreign representations where the time difference is -1 hour or -2 hours compared to Central European time zone, between 6 a.m. local time and 7 p.m. CET. At foreign representations established on the American continent votes may be cast on the 8th day prior to voting in Hungary, between 6:00 a.m. and 7:00 p.m. local time.

(2) The election committee at the foreign representation will indicate on the outside envelope the description of the parliamentary single mandate constituency on the ballot paper of which voters cast their ballot.

### **Forwarding ballots cast at foreign representations**

**§ 96/B** (1) In the event of the first round of parliamentary elections, the ballot box shall arrive at the National Election Office until 12:00 p.m. on the 3rd day before voting in Hungary.

(2) The National Election Committee will open the ballot-boxes that have arrived on time, and the chairperson of the National Election Committee or the person delegated by him/her will hand over the voting documents containing the ballots cast at foreign representations, without opening the outside envelope, to the chairperson of the competent parliamentary single mandate constituency election committee or the person delegated by him/her.

(3) If the description of the parliamentary single mandate constituency is not indicated on the envelope containing the ballots cast at the foreign representation, the National Election Committee will bundle the envelope separately, without opening it, as a document of ballots not cast, and will set forth this fact in special minutes.

(4) In parliamentary elections the duty defined in Section § 73/A shall be fulfilled by the parliamentary single mandate constituency election committee

a) in the first round of the elections, on polling day in Hungary,

b) in the second round of the elections, immediately after the voting documents have arrived.

### Aggregating the ballots

**§ 97** The rules of counting ballots and making out minutes shall be applied separately with regard to ballot papers of single mandate constituencies and ballot papers of regional lists.

**§ 97/A** (1) The parliamentary single mandate constituency election committee will place the inside envelopes set forth in Section § 73/A (4) that contain the foreign representation ballots, without opening them, into a transport envelope, on which the number of the envelopes placed into it shall be indicated. The transport envelope shall be authenticated by the members of the parliamentary single mandate constituency election committee by signing it, and by the head of the committee by affixing a stamp to it. The parliamentary single mandate constituency election committee shall record the number of the inside envelopes in separate minutes. The chairman of the parliamentary single mandate constituency election committee shall hand over the transport envelope and one copy of the minutes to the head of the ballot counting committee located at the seat of the parliamentary single mandate constituency, designated by the parliamentary single mandate constituency election committee.

(2) The ballot counting committee set forth in paragraph (1) will mix the envelopes that contain the ballot papers cast at foreign representations, without opening them, with the envelopes that contain the ballots cast at the electoral district.

(3) In the second round of the election, the ballot counting committee set forth in paragraph (1) will after closing voting seal the ballot-box in such fashion that no ballot-paper can be either put into or taken out of it. The ballot counting committee will hand over the ballot-box to the parliamentary single mandate constituency election committee, which arranges for its safe storage.

(4) In the second round of the elections, the parliamentary single mandate constituency election committee will the latest on the 6th day following voting in Hungary hand over the ballot-box and the envelopes that contain the ballot-papers set forth in Section § 73/A (4) to the ballot counting committee set forth in paragraph (1), which will immediately carry out the tasks determined in this §, and in Chapter IX, except for § 76.

**§ 98** (1) The electoral district minutes shall be forwarded to the parliamentary single mandate constituency election committee and the regional election committee.

(2) The parliamentary single mandate constituency election committee will aggregate the ballots on the basis of the minutes of the ballot counting committees, and will determine the constituency result of the election, and will record it in minutes. The minutes shall be forwarded to the National Election Committee.

(3) The regional election committee will aggregate the ballots on the grounds of the minutes of the ballot counting committees, and determine the number of valid ballots cast on lists, and record it in minutes. The minutes shall be forwarded to the National Election Committee.

(4) On the grounds of the minutes of regional election committees, after they have arrived, the National Election Committee will determine the percentage limit and that which regional lists can obtain mandates; and will immediately inform regional election committees about this fact, which determine the result of the regional constituency elections, and record it in minutes.

(5) On the grounds of the minutes of single mandate constituency and regional election committees, after they have arrived, the National Election Committee will aggregate the fragmentary votes cast on candidates in single mandate constituencies and on lists, and determine that on the basis of that who have won mandates out of the candidates of national lists.

### Filling vacant seats

**§ 98/A.** If a representative elected on a regional list or national list falls out, the nominating organisation may notify a candidate obtaining the seat to replace such representative falling out to the competent election committee in 30 days from the seat having become vacant.

### Legal remedy

**§ 99** (1) Appeals against the decision of the election committee determining the result of the elections [Section § 90/A (2) f), Section § 90/A (3) h)] shall be submitted in such fashion that it arrives the latest on the day following the decision of the election committee. The election committee entitled to adjudge the appeal will decide the appeal the latest on the day following the receipt thereof. Application for judicial revision against the resolution of the election committee shall be submitted in such fashion that it arrives the latest on the day following the decision of the election committee. The court will decide the application the latest on the day after it is addressed to it.

(2) If the election committee or the court have the election repeated, the election committee shall call the repeated election for the seventh day from the date of the election caused to be repeated.

## CHAPTER XI/A

## THE ELECTION OF THE MEMBERS OF THE EUROPEAN PARLIAMENT

**§ 99/A.** The provisions of Chapter I-X, and § 89 § 93 shall be properly applied in the election of the Members of the European Parliament with the deviations set forth in this chapter, providing that national program providers shall publish the political advertisements of nominating organisations setting up a list at least three times free of charge.

### The call for the election

**§ 99/B.** The election shall be called for a date within the period determined by the European Community.

### The publicity of the electoral procedure

**§ 99/C.** (1) The result of the election is published by the National Election Committee through the press. The informative data containing the unofficial result of the election and the result of the election may be published only after voting has finished in all the Member States of the European Union.

(2) The final result of the election aggregated nationally is published by the National Election Committee in the Official Gazette of Hungary.

## REGISTERING SUFFRAGE

### Special conditions of compiling the register

**§ 99/D.** (1) Before 1 March of the year of the election, the National Election Office shall in a letter inform the citizens of other Member States of the European Union having domicile in Hungary about the conditions and the way of their right to vote; simultaneously, except for the citizens included in the register set forth Section § 99/E (3) which contains particulars of citizens of other Member States of the European Union added to the list earlier and not deleted from it, shall send them the form necessary for entering them in the register.

(2) Citizens of another Member State of the European Union who are not included in the register under Section § 99/E (3), may ask the head of the local election office of their domicile before 30 April of the year of the election to enter them in the register. The application shall include

- a) the applicant's first name and family name,
- b) the applicant' personal identification number,
- c) the applicant's place of birth,
- d) the applicant's domicile in Hungary, and the reference number of the document certifying the personal identification number and the address,
- e) the applicant's nationality,
- f) the applicant's statement that they exercise their right to vote only in the Republic of Hungary, and
- g) the settlement, electoral district or constituency where the applicant was last included in the register in the State of the applicant's citizenship.

(3) The head of the local election office shall, on the strength of an application pursuant to paragraph (2), enter the applicant in the register before 4 May, if they are not included in the register of major citizens disfranchised.

(4) The head of the local election office shall immediately inform applicants that they have been entered in the register or that their inclusion in the register has been rejected, by sending them the resolution.

(5) Before 10 May of the year of the election, the head of the local election office shall forward the following data of the citizens of other Member States of the European Union entered in the register pursuant to paragraph (3) to the central office of particulars and address register:

- a) the applicant's first name and family name,
- b) the applicant's personal identification number,

- c) the applicant's place of birth,
- d) the applicant's domicile in Hungary,
- e) the applicant's citizenship,
- f) the settlement, electoral district, constituency where the applicant was last included in the register in the State of their citizenship.

**§ 99/E.** (1) The central office of particulars and address register maintains the register of the citizens of other Member States of the European Union registered. Citizens entered in the register pursuant to Section § 99/D shall be added to the list.

(2) The register of the citizens of other Member States of the European Union registered shall contain citizens' particulars pursuant to Section § 99/D (5).

(3) The register of the citizens of other Member States of the European Union registered shall be closed on polling day. In February of the year of the next European Parliamentary elections the register shall be updated with data taken from the particulars and address register and the register of major citizens disfranchised. Anyone whose right to vote has ceased, or who has requested that they should be deleted from the register shall be deleted from the register.

(4) The central office of the particulars and address register shall supply data from the register of the citizens of other Member States of the European Union registered, in 3 days from calling for the European Parliamentary elections, to the head of the competent local election office of the citizen's domicile, who shall when compiling the register of voters enter the citizens included in such register in the register of voters.

**§ 99/F.** Before 20 May, the National Election Office shall, on the strength of the supply of data by the central office of particulars and address register, inform the central bodies of the Member States of the European Union competent to receive such data during the European Parliamentary elections about their citizens who are included in the register of the citizens of other Member States of the European Union registered as set forth in § 99/E. The notification shall contain the following particulars of the persons concerned:

- a) first name and family name,
- b) gender,
- c) date and place of birth,
- d) citizenship,
- e) the settlement, electoral district or constituency where the citizens concerned were last included in the register of the State of their citizenship.

**§ 99/G.** (1) In the European Parliamentary elections, on the strength of the notification received about Hungarian citizens entered in the register of voters in other Member States of the European Union, the voters concerned shall be entered in the register of voters exercising their right to vote abroad. This register is maintained, in compliance with provisions set forth with regard to maintaining the register of major citizens disfranchised, but separately from it, by the central office of particulars and address register. On the grounds of continuous supply of data received from the central office of particulars and address register, the voters included in the register of voters exercising their right to vote abroad

- a. shall not be entered in the register, or
- b. shall be deleted from the register, and shall be immediately informed of this fact at their address in Hungary

by the head of the local election office.

(2) On the strength of notification received from the National Election Office, the head of the local election office shall delete the citizens of other Member States of the European Union who have indicated in another Member State of the European Union that they intend to vote there from the register, and immediately inform them at their address in Hungary.

**§ 99/H.** At the request of the bodies of the Member States of the European Union entitled to handle data during the European Parliamentary elections, the central office of particulars and address register shall immediately supply data from the register of major citizens disfranchised on the suffrage of Hungarian citizens requesting that their name should be entered in the register in the Member State concerned in the European Parliamentary elections.



**Register at foreign representations****§ 99/I. c.****§ 99/J. c.****Election bodies****§ 99/K.** (1) In the European Parliamentary elections the following election committees are operated:

- a) ballot counting committees,
- b) local election committees carrying out the tasks of ballot counting committees at settlements having one constituency,
- c) regional election committees,
- d) the National Election Committee.

(2) In the European Parliamentary elections the following election offices are operated:

- a) local election offices,
- b) election offices at foreign representations,
- c) parliamentary single mandate constituency election offices,
- d) regional election offices,
- e) the National Election Office.

(3) The ballot counting committee shall

- a) check the polling station, conduct voting, arrange for the lawful implementation of voting,
- b) decide disputes arising during voting,
- c) count the ballots, and determine the result in the electoral district, and make out minutes thereof,
- d) propose for the competent election committee to annul the results of the electoral district if it notices any violation of law that affects the results on the merits.

(4) The regional election committee shall

- a) decide exclusively such election related reserves that concern its sphere of competence,
- b) decide appeals against the ballot counting committee's resolution adopted pursuant to clause a) and b) paragraph (3),
- c) initiate the decision of the body having powers, in the event any violation of law is made known to it.

(5) The National Election Committee shall

- a) issue a standpoint in order to develop a uniform interpretation of rules of law and uniform legal practice regarding the elections, the standpoint works as a guideline, no appeal lies against it; the standpoint shall be published in the Official Gazette of Hungary,
- b) decide the registration or dismissal of lists and the candidates included in them and of nominating organisations,
- c) draw the sequence number of lists,

- d) approve the data content of the ballot paper of the election of the Members of the European Parliament,
- e) count the ballots cast at foreign representations, and determine the results of voting at foreign representations, and make out minutes thereof,
- f) decide reserves regarding the activity of election offices at foreign representations, and any reserves that do not fall within the competence of the regional election committee,
- g) decide appeals against the ballot counting committee's resolution adopted pursuant to clause c) paragraph (3),
- h) decide appeals against the resolution of the regional election committee,
- i) annul the results of voting if it establishes any violation of law that affects it on the merits,
- j) determine that the lists of which nominating organisations have reached the % voting threshold of the extent defined in law,
- k) determine who have obtained a seat out of the candidates on the lists,
- l) determine and publish the result of the referendum,
- m) issue the letter of appointment to the representatives who have obtained a seat,
- n) initiate the decision of the body having powers, in the event of any violation of law is made known to it,
- o) report on the referendum to the Parliament.

### Proposal

**§ 99/L.** (1) The provisions set forth in Chapter VII with regard to proposing candidates shall be properly applied to proposing lists.

(2) The list and the candidates included in the list shall be notified the latest before the 30th day prior to voting by delivering proposal coupons to the National Election Committee.

(3) Notification of citizens of other Member States of the European Union as candidates shall contain:

- a) the candidate's first name and family name,
- b) the candidate's personal identification number,
- c) the candidate's domicile in Hungary and the reference number of the official certificate verifying their personal identification number and address,
- d) the candidate's citizenship,
- e) the settlement, electoral district, or constituency where they were last included in the register in the State of their citizenship,
- f) the candidate's statement that they will stand as candidate only in the Republic of Hungary,
- g) the candidate's statement that they have right to vote, accept nomination and has no position that is incompatible with a representative's mandate, or will resign from it in the event they are elected.

(4) To the notification of citizens of other Member States of the European Union as candidates, a certificate issued by a competent authority of the Member State of the candidate's citizenship shall be attached which verifies that the candidate is not subject to any provision in the Member State of their citizenship which stipulates that they may not be elected, or that the competent authority has no knowledge of anything that might disqualify them.

(5) By forwarding the data pursuant to clause a), d) and e) paragraph (3), the National Election Office shall inform the competent authorities of the Member States of the European Union about their citizens who have been registered as candidates

by the National Election Committee.

(6) The National Election Committee shall refuse to register or shall delete candidates who have been registered as candidates in other Member States of the European Union.

### **Voting**

**§ 99/M.** (1) The ballot paper contains the name of nominating organisations in the order drawn by the National Election Committee.

(2) On the ballot paper, in addition to the name of the nominating organisation, at the request of the nominating organisation, the abbreviated form of its name, the black-and-white print of its symbol or badge shall be indicated.

(3) In the event of fielding joint lists, the name of each nominating organisation shall be indicated on the ballot paper, and each nominating organisation may request that the abbreviated form of their name, the black-and-white print of their symbol or badge should be indicated.

(4) On the ballot paper, in the order notified by the nominating organisations, the name of as many candidates out of those put forward as candidates on the list shall be indicated as many representatives may be elected.

**§ 99/N. c.**

### **Aggregating ballots**

**§ 99/O.** (1) The ballots cast at foreign representations are counted by the National Election Committee. The result of the voting at foreign representations is determined by the National Election Committee in aggregated minutes.

(2) The National Election Office shall determine the result of the election on the basis of the minutes made out by ballot counting committees and minutes made out on the results of voting at foreign representations, the latest on the 6th day after voting.

(3) Independent motion lies against the decision of the ballot counting committee determining the result of the electoral district to be adjudged by the National Election Committee prior to determining the results of the elections.

(4) Applications for judicial revision against the National Election Committee's decision determining the results of the elections may be submitted by making reference to the compilation of electoral district results, the determination of the results of voting at foreign representations, or the violation of rules regarding the determination of the results of the elections.

### **Legal remedy**

**§ 99/P.** (1) Reserves against decisions of local election offices pursuant to Section § 99/D (3) and (4), Section 99/G (1) b) and (2) may be submitted in 3 days from receipt of the resolution.

(2) Appeals for judicial revisions against the decisions of the National Election Committee pursuant to Section § 99/L (6) may be submitted in 3 days from receipt of the resolution.

### **Filling vacant seats**

**§ 99/Q.** If an elected representative falls out, the political party may notify a candidate obtaining the seat to replace such representative falling out to the National Election Committee in 30 days from the seat having become vacant.

## **CHAPTER XII**

### **THE ELECTION OF THE REPRESENTATIVES AND MAYORS OF LOCAL GOVERNMENTS, AND THE MEMBERS OF LOCAL MINORITY MUNICIPALITIES**

**§ 100** The provisions of Chapters I-X, except for the provisions regarding the register at foreign representations and voting at foreign representations, shall be applied with regard to the election of the representatives and mayors of local governments, and the members of local minority municipalities (hereinafter referred to as "the local elections") with the deviations set forth under this Chapter.

### **Constituencies, electoral districts**

**§ 101** A constituency shall be:

- a) in respect of the election of the members of county general assemblies, the settlements with 10.000 or less inhabitants jointly, and the settlements with more than 10.000 inhabitants jointly, without cities having county rights;
- b) in respect of the election of the Mayor of the capital and the members of the metropolitan general assembly, the capital;
- c) in respect of the election of the mayor, the election of the representatives of the local government of settlements with 10.000 or less inhabitants, as well as the election of minority municipalities, the settlement;
- d) in respect of the election in single mandate constituencies of the representatives of the local government of settlements with more than 10.000 inhabitants, the constituency established to this effect.

**§ 102** (1) The sequence number and the territory of single mandate constituencies shall be determined by the head of the local election office on the grounds of the number of the population as of 1 January in the year of the election. In January each year, the head of the local election office shall review the number, sequence number and territorial division of single mandate constituencies, and publish its decision before 15 February the way it is customary locally. The head of the local election office will normally monitor changes affecting the establishment of single mandate constituencies, and take the necessary measures, and publish its decision the way its is customary locally.

(2) Reserves against the decision of the head of the local election office may be lodged with the head of the regional election office in three days from the decision, if the single mandate constituencies have been established within the settlement in such fashion that the number of the population of individual constituencies is disproportionate. The head of the regional election office shall decide the reserve in three days. No further legal remedy lies.

(3) The provisions of paragraphs (1) and (2) shall be applied only in general local municipality elections, and in by-elections due to the dissolution or dissolving of the body of representatives.

**Registration of suffrage****§ 103.**

**§ 104** (1) If the citizen has in addition to his/her domicile a residence, the citizen may with a certificate requested from the head of the local election office of his/her domicile ask the head of the local election office of his/her place of residence, or, on polling day, the ballot counting committee to enter him/her in the register. On the grounds of the certificate, the citizen may vote at his/her place of residence.

(2) When issuing the certificate, the head of the local election office of the domicile shall delete the citizen from the register. The certificate shall indicate, on the grounds of the citizen's statement, the place of residence where the citizen intends to vote, which shall be recorded in the register. The receipt of the certificate shall be acknowledged by the citizen, or the person delegated by him/her, on grounds of the authorisation issued to this effect, by his/her signature.

(3) On the grounds of the certificate and the card suitable for verifying the identity, the head of the local election of the place of residence or the ballot counting committee shall enter the citizen in a special register. The certificate and the special register shall be retained as part of the election documents.

(4) Certificates may be issued the latest on the second day prior to voting. Certificates may be applied for in person or through a delegate. Certificates may be also applied for by registered mail, provided that such mail shall have been received by the relevant local election office on the 5th day prior to voting. The letter shall indicate the place of residence where the citizen intends to vote. The certificate applied for in the letter shall be sent to the citizen to the address determined by him/her by certified mail with receipt of delivery requested.

(5) For issuing the certificate, the person applying for the certificate shall disclose his/her name, personal identification number and address.

**Election bodies**

**§ 105** (1) At the local elections the following election committees shall operate:

- a) ballot counting committee;
- b) local election committee;

c) regional election committee;

d) National Election Committee.

(2) At the local elections the following election offices shall operate:

a) local election office;

b) parliamentary single mandate constituency election office;

c) regional election office;

d) National Election Office.

(3) The delegated member of the ballot counting committee and the local election committee may stand as a candidate in another settlement, in the capital in another district, the delegated member of the regional election committee in another county.

### **The powers of election committees**

**§ 105/A** (1) The ballot counting committee shall

a) check the polling station, conduct voting, arrange for the lawful implementation of voting,

b) decide disputes arising during voting,

c) count the ballots, and determine the result in the electoral district, and make out minutes thereof,

d) propose for the competent election committee to annul the results of the electoral district if it notices any violation of law that affects the results on the merits.

(2) The local election committee shall

a) call the local minority municipality elections,

b) decide the registration or refusal of the mayor, of candidates on common regional lists and in single mandate constituencies, of candidates of minority municipalities, of compensatory lists and nominating organisations that intend to put forward candidates only in one settlement,

c) draw the sequence number of compensatory lists, minorities,

d) approve the data content of the ballot paper of the settlement,

e) decide reserves regarding the election of the mayor, the representatives, the minority municipality,

f) decide appeals against resolutions adopted by the ballot counting committee pursuant to clause a) and b) paragraph (1) that concern exclusively the settlement election (the election of the mayor, the representatives, the minority municipality), and that concern both the settlement and the regional municipality election or the election of the mayor,

g) annul the results of the election of the mayor, the representatives, the minority municipality if it establishes any violation of law that affects it on the merits,

h) in the event of equal number of ballots, decide by a draw which candidate will obtain a mandate in the common regional list or the minority municipality election,

i) determine and publish the results of the election of the mayor, the representatives of the local government and the minority municipality,

j) issue the letter of appointment to the mayor, the representatives of the local government and the minority municipality,

k) call the by-election of the mayor, the representatives of the local government and the minority municipality, and determine the deadlines calculated according to calendar days,

l) initiate the decision of the body having powers, in case any violation of law is made known to it.

(3) The regional election committee shall

a) decide the registration or refusal of county/metropolitan lists and the candidates included in them, candidates for the Mayor of the capital, and nominating organisations that intend to put forward candidates only in one county/the capital,

b) draw the sequence number of county/metropolitan lists,

c) approve the data content of the ballot papers of the county/metropolitan lists, and the election of the Mayor of the capital,

d) decide reserves regarding the election of county/metropolitan lists and the election of the Mayor of the capital,

e) decide appeals against the resolution adopted by the ballot counting committee pursuant to clause a) and b) paragraph (1) that concern exclusively the regional municipality election or the election of the mayor,

f) decide appeals against the local election committee,

g) annul the results of the election of county/metropolitan lists, and the election of the Mayor of the capital, if it establishes any violation of law that affects it on the merits,

h) determine and publish the results of the election of the county/metropolitan lists, and the election of the Mayor of the capital,

i) issue the letter of appointment to representatives who have obtained a mandate in the election of county/metropolitan lists, and to the Mayor of the capital,

j) initiate the decision of the body having powers, in case any violation of law is made known to it.

(4) The National Election Committee shall

a) issue a standpoint in order to develop a uniform interpretation of rules of law and uniform legal practice regarding the elections; the standpoint works as a guideline, no appeal against it lies; the standpoint shall be published in the Official Gazette of Hungary,

b) decide any and all reserves that do not fall within the competence of the local election committee, or the regional election committee,

c) decide appeals against the resolution of the regional election committee,

d) publish the results of the elections determined by local election committees and regional election committees and aggregated nationally,

e) initiate the decision of the body having powers, in case any violation of law is made known to it,

f) report on the election of the representatives and mayors of local governments to the Parliament.

**105/B** (1) In the event of establishing a new community and the termination of the unification of settlements, the body of representatives shall elect the ballot counting committees by taking the electoral districts established in accordance with the territory organisation decision into account. The body of representatives of the new community shall elect a local election committee in 30 days after it is established, and elect a new ballot counting committee the latest after the next election is called.

(2) In the event of transferring, taking over, exchanging inhabited parts of territories, it is the ballot counting committee elected by the body of representatives of the receiving settlement, and the local election committee of the receiving settlement that shall take actions.

(3) In the event of unification of settlements, the election committee of the settlement that has a larger population on 1 January in the year of the election shall take actions in both settlements.

(4) In the event of annexing a settlement to another county, the provisions of this Act shall be applied in the electoral procedure considering the fact that the territory organisation decision ordering the annexation of the settlement to another county enters into force on the day of calling the election.

### **Election campaign**

**§ 106** (1) Local public service broadcasters shall at least once, free of charge publish the political advertisements of nominating organisations, and candidates for mayor in proportion to the nomination or the setting up of lists, from the 15th day before voting to the 3rd before voting. All of the independent candidates are entitled to this right jointly, in proportion to their nomination.

(2) On the last day of the election campaign, national program providers shall publish the summary of the eight nominating organisations that have put forward the most candidates for representative and mayor in terms of nationwide aggregation. Joint candidates and lists shall be taken into consideration in proportion to nomination.

### **Proposal**

**§ 107** (1) Regarding the proposal of the county list, the provisions of Chapter VII pertaining to proposing candidates shall be properly applied.

(2) The compensation list, and the candidates indicated on it shall be notified the latest on the 20th day prior to voting, the metropolitan list, and the candidates indicated on it the latest on the 19th day prior to voting.

**§ 107/A** When notifying a citizen of another Member State of the European Union as a candidate, the candidate's statement asserting that he/she is not subject to any legal, judicial or other official provision in the state of his/her citizenship which bars him/her from being elected shall be attached.

**§ 108** If the candidate stands as a minority candidate in a common regional list or mixed election scheme, this fact shall be indicated on the proposal coupon and the ballot paper.

**§ 109** (1) In a mixed election scheme the local election committee shall include in a separate compensation minority list for each minority every candidate running either as an independent candidate of a minority or as the candidate of a nominating organisation of a minority in the single mandate constituency.

(2) Nominating organisations of minorities and candidates of minorities may also set up a joint compensation list, which they may notify to the local election committee before the 18th day prior to the election.

(3) The independent candidate running in the single mandate constituency may advise the local election committee in writing that he/she does not intend to stand as candidate on the compensation list of minorities.

### **Voting**

**§ 110** (1) A separate ballot paper shall serve

a) at settlements with 10.000 or less inhabitants, common regional list, mayoral, minority municipality and county list elections;

b) at settlements with more than 10.000 inhabitants, single mandate constituency, mayoral, minority municipality and, except for cities having county rights, county list elections;

c) in the capital, single mandate constituency, mayoral, the capital's Mayor's, minority municipality as well as the metropolitan list elections;

(2) The ballot paper for common settlement list, single mandate constituency, minority municipality and mayoral elections shall contain the candidates' officially used first name(s) and family names in alphabetic order, the distinguishing mark pursuant to Section § 52 (3) and the name of the nominating organisation, including, at the request of the nominating organisation, the abbreviation of the nominating organisation, and the fact of independent nomination. At the request of a candidate representing a minority, the ballot paper shall indicate his/her name and the name of the nominating organisation also in the mother tongue of the minority.

(3) The ballot paper for local minority municipalities shall contain the names of candidates split per minorities. Individual minorities are indicated on the ballot paper in the order selected by the election committee by a draw.

(4) The ballot paper for the capital and county lists shall contain the name of the nominating organisations in the order selected by the election committee by a draw. The ballot paper shall indicate, in the order notified by the nominating organisations, the name of the first five candidates out of the candidates running on the list.

(5) The ballot paper for the capital and county lists, and the ballot paper for mayors shall contain, beside the name of the nominating organisation registered by the court, at its request, the abbreviation, the black-and-white print of the symbol or badge of the nominating organisation.

(6) In the event of joint candidates and lists, the ballot paper shall indicate the name of each nominating organisation.

**§ 111** The ballot counting committee shall enter in the register the voter who has delivered the certificate pursuant to § 104.

### **Aggregating the ballots**

**§ 112** In respect of common regional list and minority municipality elections, valid ballots shall be counted separately for each candidate. Ballot papers containing both valid and invalid votes shall be arranged into separate bundles. The number of valid ballots separately for each candidate shall be written on the bundle.

**§ 113** (1) The local and the regional election committee shall on the grounds of the minutes of ballot counting committees aggregate the ballots, and determine the results of the election.

(2) Aggregating minutes of the results of common settlement list and local minority municipality elections; separate minutes for each constituency of the results of single mandate constituencies in mixed election schemes; and separate minutes of the results of metropolitan list and mayoral elections shall be made. Aggregating minutes separately for each constituency shall be made of the results of the election of the members of county general assemblies.

(3) Data sheets shall be drawn up solely of the unofficial results of the election of mayors, the Mayor of the capital, and the members of the metropolitan and county general assemblies.

### **Calling for the election of minority municipalities**

**§ 114** (1) The minority municipality election shall be called by the local election committee. The election shall be called the latest 45 days before the settlement municipality election for a date that shall be identical with the date thereof.

(2) The call for the minority municipality election may be initiated in writing in 10 days after the settlement municipality election has been called. The sample file of the initiative is set forth in the annex to the Act on the Rights of National and Ethnic Minorities.

### **By-elections**

**§ 115** (1) By-elections shall be called for by the competent election committee in 30 days from the occurrence of the reason. By-elections shall be called for a date within four months from the date the seat becomes vacant, or, within three months from the dissolution or dissolving of the body of representatives. By-elections shall not be called for a date between 1 April and the date of the general elections in the year of general local municipality elections. In respect of by-elections the rules of general elections apply.

(2) If an elected candidate is eliminated from the county, compensation or metropolitan list, the nominating organisation may notify a new candidate to replace him/her to the competent election committee.

(3) If solely minority municipality by-elections are held at the settlement, the constituencies may be established in such fashion that more voters than defined in Section § 10 (1) should fall under one constituency. If the number of constituencies is less than the number of ballot counting committees elected pursuant to Section § 23 (1), the head of the local election office shall determine which ballot counting committees are obliged to operate in the by-election.

## **CHAPTER XIII**

### **GENERAL REFERENDUM**

**§ 116** The provisions of Chapters I-X and Sections § 89, § 99/O shall be applied in national referendums in compliance with the deviations set forth in this Chapter.

### **Initiating the referendum**

**§ 117** (1) The National Election Committee shall attest the signature-collecting sheet, and the question complying with



legislative conditions in thirty days from submission.

(2) The resolution of the National Election Committee with regard to the attestation of the signature-collecting sheet or the particular question shall be published in eight days in the Official Gazette of Hungary.

**§ 118** (1) On the day when the defined time frame of legal remedy pursuant to Section § 130 (1) has passed without any result, or, in the event of legal remedy, on the day the Constitutional Court's confirmatory decision on the attestation resolution is published in the Official Gazette of Hungary, the head of the National Election Office shall apply an attestation clause to the specimen of the signature-collecting sheet. The collection of signatures may be commenced with a copy of the signature-collecting sheet with the attestation clause applied to it.

(2) The provisions of Section § 46 (2) and (4), § 48, § 50 (1) c) and (2), and § 54, § 59 and § 60 shall be applied to the collection of signatures in compliance with the deviations set forth in this Chapter.

(3) Each signature-collecting sheet shall begin with the question proposed for the referendum. One signature-collecting sheet may include one question. The signatures and the question shall be on the same page.

(4) On the signature-collecting sheets, the initiator's legible first name(s) and family name, address, and personal identification number shall be indicated beside the autographical signature in order to check the authenticity of the signature.

(5) The citizen collecting signatures shall sign the signature-collecting sheet.

**§ 118/A** (1) If the collection of signatures has not been completed before the 41st day prior to the date of the general parliamentary elections and the elections of the representatives and mayors of local governments, the signature-collecting sheets containing the signatures collected until then shall be delivered to the National Election Committee the latest before the 40th day prior to election day. The collection of signatures shall be discontinued during the period determined in Section § 3 (2) of Act III of 1998 on National Referendum and Popular Initiative.

(2) On the 41st day after the election day, the head of the National Election Office shall apply a new attestation clause to the specimen of the signature-collecting sheet. The collection of signatures shall not be pursued unless with a copy of the signature-collecting sheet with the new attestation clause applied to it before the end of the term determined in § 28/E of the Constitution. The length of discontinuance shall not be included in the term.

**§ 119** (1) The checking of the signatures shall be the determination of the number of signatures that can be considered valid with statistical and mathematical methods by using the data of the voters signing the initiative of the referendum, the data of the particulars and address register and the register of major citizens disfranchised. If the statistical and mathematical method applied does not render the existence of the proper number of signatures probable, then the checking of signatures shall be continued by examining the signatures item by item until the validity or invalidity of the initiative can be ascertained beyond reasonable doubt.

(2) The representative of those submitting the initiative may attend the process of checking the signatures.

(3) The checking of the signatures shall be completed in 45 days from submitting the initiative.

**§ 120** (1) If in the course of checking the signatures sufficient suspicion arises pertaining to the validity of specific signatures, and the validity or invalidity of such signatures affect the validity of the initiative, the National Election Committee may also check the identity through the central office or territorial body of the particulars and address register, or the head of the local election office.

(2) In the event of checking identity pursuant to Paragraph (1), the term of checking the signatures shall be extended for 30 days.

**§ 121** The signature-collecting sheets shall be annihilated after 30 days after checking the signatures, or the termination of the remedial procedure.

### **Ordering and calling the referendum**

**§ 122** (1) The date for the referendum shall be set by the President of the Republic in 15 days after the legal remedy period against the parliamentary resolution ordering the referendum has passed without any result, or, in the event of legal remedy, after it has been adjudged.

(2) The referendum shall be called the latest 43 days before the polling day, for a day within 90 days from the publication of the parliamentary resolution ordering it, or, in the event of legal remedy, after it has been adjudged.

(3) The referendum may be also called for a date within the 43 days period pursuant to paragraph (2), if the President of the

Republic has already called a referendum regarding another matter, and there are at least 20 days left before its date, and the simultaneous conducting of the referendum regarding the new issue does not endanger the legality of voting.

(4) Referendum shall not be held on the day of the general election of Members of Parliament, Members of the European Parliament, and the representatives and mayors of local governments, and within 41 days preceding and following it. If a referendum may not be called pursuant to paragraph (2) due to the above, the referendum shall be called for a day within 131 days after the election.

(5) The decree on ordering and calling the referendum shall be published in the Official Gazette of Hungary.

**§ 123** During the referendum the register shall be displayed in public 18 days before the polling day. Voters shall be informed about their having been entered in the register by sending them a notice before the 16th day prior to the polling day.

### **Election bodies**

**§ 124** (1) The following election committees shall work during the referendum:

- a) ballot counting committees,
- b) at settlements having one electoral district the local election committee carrying out the tasks of the ballot counting committees,
- c) regional election committees,
- d) the National Election Committee.

(2) The following election offices shall work during the referendum:

- a) local election offices,
- b) election office at the foreign representation,
- c) parliamentary single mandate constituency election offices,
- d) regional election offices,
- e) the National Election Office.

### **The powers of election committees**

**§ 124/A** (1) The ballot counting committee shall

- a) check the polling station, conduct voting, arrange for the lawful implementation of voting,
- b) decide disputes arising during voting,
- c) count the ballots, and determine the result in the electoral district, and make out minutes thereof,
- d) propose for the competent election committee to annul the results of the electoral district if it notices any violation of law that affects the results on the merits.

(2) The regional election committee shall

- a) decide exclusively such referendum related reserves that concern its sphere of competence,
- b) decide appeals against the ballot counting committee's resolution adopted pursuant to clause a) and b) paragraph (1),
- c) initiate the decision of the body having powers, in case any violation of law is made known to it.

(3) The National Election Committee shall

- a) issue a standpoint in order to develop a uniform interpretation of rules of law and uniform legal practice regarding the elections; the standpoint works as a guideline, no appeal against it lies; the standpoint shall be published in the Official Gazette of Hungary,
- b) decide the authentication of the signature-collecting sheet and the specific question,
- c) carry out the checking of the signatures submitted,
- d) approve the data content of the ballot paper of the national referendum,
- e) count the ballots cast at foreign representations, and determine the results of voting at foreign representations, and make out minutes thereof,
- f) decide reserves regarding the activity of election offices at foreign representations, and any and all reserves that do not fall within the competence of the regional election committee,
- g) decide appeals against the ballot counting committee's resolution adopted pursuant to clause c) paragraph (1),
- h) decide appeals against the resolution of the regional election committee,
- i) annul the results of voting if it establishes any violation of law that affects it on the merits,
- j) determine and publish the result of the referendum,
- k) initiate the decision of the body having powers, in case any violation of law is made known to it,
- l) report on the referendum to the Parliament.

**§ 125** (1) To the election committees, except for the National Election Committee, those submitting the initiative may delegate one common fiduciary for each election committee, and each of the political parties not participating in submitting the initiative but having a parliamentary representative group may delegate one fiduciary.

(2) The organisations submitting the initiative but having no parliamentary representative group may delegate one common representative as a member of the National Election Committee.

(3) Observers may be delegated to foreign representations by properly applying the provisions set forth in paragraph (1).

### **Voting**

**§ 126** (1) During voting, determining the result and legal remedy, each question put to the referendum shall be taken into consideration separately.

(2) One ballot-paper may include only one question.

### **Aggregating the ballots**

**§ 127** (1) When applying § 72, candidate shall mean answer.

(2) If there are several questions indicated on the ballot-paper, the valid ballots cast on the ballot-paper shall be calculated separately for each question. If the voter has voted for several answers concerning one question, these ballots shall be invalid; this, however, does not affect the validity of the ballot-paper. The ballot-papers containing both valid and invalid ballots shall be gathered in separate bundles. The number of valid ballots for each question and, more specifically, for each answer shall be written on the bundle.

**§ 128** The result of the referendum shall be determined by the National Election Committee on the strength of the minutes of the ballot counting committees, after they have been received.

**§ 129** With regard to the result of the referendum, the National Election Committee shall inform the President of the Republic and the Speaker of the Parliament in writing and publish an announcement in the Official Gazette of Hungary.

### **Legal remedy**

**§ 130** (1) Reserves against any decision of the National Election Committee regarding the attestation of the signature-collecting sheet, or the particular question may be lodged in fifteen days from publishing the resolution, addressed to the Constitutional Court, with the National Election Committee.

(2) Reserves against the Parliament's resolution to order the referendum and to dismiss the ordering of a referendum to be obligatorily ordered may be lodged in eight days from publishing the resolution, addressed to the Constitutional Court, with the National Election Committee. The National Election Committee shall immediately inform the Speaker of Parliament with regard to lodging the reserve, and also the President of the Republic with regard to reserves against the resolution ordering the referendum.

(3) The Constitutional Court shall adjudge the reserve out of turn. The Constitutional Court shall either confirm or annul the resolution of the National Election Committee or the Parliament, and instruct the Parliament to commence a new procedure.

## **CHAPTER XIV**

### **NATIONAL POPULAR INITIATIVE**

**§ 131** In national popular initiatives the provisions of Sections § 117-121 and § 130 (1) and (3) shall be properly applied.

#### **The powers of election committees**

**§ 131/A** The National Election Committee shall

- a) issue a standpoint in order to develop a uniform interpretation of rules of law and uniform legal practice regarding the elections; the standpoint works as a guideline, no appeal against it lies; the standpoint shall be published in the Official Gazette of Hungary,
- b) decide the authentication of the signature collecting sheet and the question,
- c) carry out the checking of the signatures submitted,
- d) decide reserves submitted,
- e) initiate the decision of the body having powers, in the event of any violation of law is made known to it.

## **CHAPTER XV**

### **LOCAL REFERENDUM**

**§ 132** The provisions of Chapters I-X, except for the provisions pertaining to the register at foreign representations and voting at foreign representations, and the provisions of Sections § 118 (2)-(5), § 119, § 121, § 122 (1), § 123, § 126 and § 127 shall be applied in local referendums in compliance with the deviations set forth in this Chapter.

#### **Initiating the referendum**

**§ 133** (1) Before the commencement of collecting signatures, a copy of signature-collecting sheets shall be submitted to the head of the local election office, or, regarding county, capital related matters, to the head of the regional election office, for authentication.

(2) The head of the local or regional election office shall authenticate the signature-collecting sheet that complies with legislative conditions in 15 days from submission. The authentication of the signature-collecting sheet shall be refused if

- a) the question does not fall within the competence of the body of representatives, the general assembly,
- b) local referendum on the question shall not be held,
- c) a referendum on the same question has been held within one year,
- d) the signature-collecting sheet does not comply with the requirements set forth in § 118.

(3) The decision of the local or regional election office regarding the authentication of the signature-collecting sheet shall be published the way it is locally customary.

(4) On the day when the term of legal remedy has passed without any result, or, in the event of legal remedy, on the day the court's confirmatory decision on the authentication resolution is delivered, the head of the local or regional election office shall apply an attestation clause to the specimen of the signature-collecting sheet. The collection of signatures may be commenced with a copy of the signature-collecting sheet with the attestation clause applied to it.

**§ 134** (1) The citizens' initiative aimed at calling a referendum may be submitted to the mayor or the chairman of the general assembly (in this chapter jointly 'the mayor') once within one month after the authentication of the signature-collecting sheet. Signatures submitted subsequently, supplementing the initiative shall be invalid.

(2) In case of failing to comply with the defined time frame, the local or regional election committee will not check signatures.

**§ 135** The checking of signatures shall be arranged for by the local or regional election committee.

**§ 136** (1) If during checking the signatures sufficient suspicion arises regarding the originality of determined signatures, and the validity or invalidity of such signatures affects the validity of the initiative, the local or regional election committee may also check the identity on the grounds of the particulars and address register or through the head of the local election office.

(2) In the event of checking identity pursuant to paragraph (1), the term of checking the signatures shall be extended for 30 days.

**§ 137** (1) The chairman of the local or regional election committee shall immediately inform the mayor about the findings of the checking of the signatures.

(2) The signature collecting sheets shall be annihilated after 30 days after checking the signatures, or the termination of the remedial procedure.

### **Ordering and calling the referendum**

**§ 138** The mayor shall announce the initiative aimed at ordering the referendum on the next session day after receipt of the information set forth in Section § 137 (1), or, in the event of non-citizen initiatives, after the submission thereof.

**§ 139** A decision shall be made on the initiative aimed at ordering the referendum in 30 days from the mayor's announcement.

**§ 140** If the initiative aimed at ordering the referendum has been submitted late, or as a result of checking the signatures the local or regional election committee has established that the number of valid signatures do not attain the number determined under the municipality decree, the mayor will dismiss the initiative.

**§ 141** The referendum shall be called by the body of representatives, or the metropolitan, county general assembly (in this chapter jointly 'the body of representatives') simultaneously with ordering the referendum, for a date within four months from the date thereof.

**§ 142** The decree on ordering and calling the referendum shall be published in the official gazette of the local government, or the way it is locally customary.

### **Election bodies**

**§ 143** (1) The following election committees shall work during the local referendum:

- a) ballot counting committees,
- b) local election committee,
- c) regional election committees,
- d) regarding capital, county related matters, the National Election Committee.

(2) The following election offices shall work during the local referendum:

- a) local election offices,
- b) parliamentary single mandate constituency election offices,
- c) regional election offices,

d) regarding capital, county related matters, the National Election Office.

### **The powers of election committees**

**§ 143/A** (1) The ballot counting committee shall

- a) check the polling station, conduct voting, arrange for the lawful implementation of voting,
- b) decide disputes arising during voting,
- c) count the ballots, and determine the result in the electoral district, and make out minutes thereof,
- d) propose for the competent election committee to annul the results of the electoral district if it notices any violation of law that affects the results on the merits.

(2) The local election committee shall

- a) check the signatures submitted,
- b) decide reserves regarding the referendum,
- c) decide appeals against the resolution of the ballot counting committee adopted pursuant to clause a) and b) paragraph (1),
- d) annul the results of voting if it establishes any violation of law that affects it on the merits,
- e) determine and publish the result of the referendum,
- f) initiate the decision of the body having powers, in case any violation of law is made known to it.

(3) The regional election committee shall

- a) decide appeals against the local election committee's resolution
- b) initiate the decision of the body having powers, in case any violation of law is made known to it.

(4) The National Election Committee shall issue a standpoint in order to develop a uniform interpretation of rules of law and uniform legal practice regarding the elections; the standpoint works as a guideline, no appeal against it lies; the standpoint shall be published in the Official Gazette of Hungary.

(5) In the event of local referendums on regional level the duties set forth in paragraph (2) will be fulfilled by the regional election committee, the duties set forth in paragraph (3) by the National Election Committee.

**§ 144** To the ballot counting committee and the local election committee, or, regarding capital or county related matters, to the regional election committee, those submitting the initiative may delegate one common fiduciary for each election committee, and each of the nominating organisations not participating in submitting the initiative but having a representative group in the body of representatives may delegate one fiduciary.

### **Aggregating the ballots**

**§ 145** (1) The result of the referendum shall be determined by the local election committee, or, in the event of capital, county related matters, the regional election committee on the strength of the minutes of the ballot counting committees.

(2) No data sheet shall be drawn up in local referendums.

### **Legal remedy**

**§ 146** (1) Reserves against the decision of the head of the local or the regional election office regarding the authentication of the signature-collecting sheet may be lodged in fifteen days from publishing the decision with the local court (in Budapest, the Pest Central District Court) or the county court.

(2) Reserves against the resolution of the body of representatives or the general assembly to order the referendum and to

dismiss the ordering of a referendum to be obligatorily ordered may be lodged in eight days from publishing the resolution with the local court (in Budapest, the Pest Central District Court) or the county court.

## **CHAPTER XVI**

### **LOCAL POPULAR INITIATIVE**

**§ 147** In local popular initiatives the provisions of Sections § 118 (2)-(5), § 119, § 133-140 and § 146 (1) shall be properly applied.

**§ 148** The head of the local or regional election office will refuse to authenticate the signature-collecting sheet if

- a) the question does not fall within the competence of the body of representatives,
- b) the signature-collecting sheet does not comply with the requirements set forth in Section § 118 (2)-(5).

#### **The powers of election committees**

**§ 148/A** (1) The local election committee shall

- a) check the signatures submitted,
- b) initiate the decision of the body having powers, in case any violation of law is made known to it,

(2) The regional election committee shall

- a) decide appeals against the decision of the local election committee,
- b) initiate the decision of the body having powers, in case any violation of law is made known to it,

(3) In the event of local popular initiatives on regional level, the duties set forth in paragraph (1) shall be fulfilled by the regional election committee, the duties set forth in paragraph (2) by the National Election Committee.

## **PART THREE**

### **CLOSING PROVISIONS**

## **CHAPTER XVII**

### **EXPLANATORY PROVISIONS**

**§ 149** When applying this Act

- a) state leader shall mean persons subject to the force of the law on the legal status and responsibility of the members of the Government and state secretaries;
- b) county/capital-clerk shall mean the county, capital recorder;
- c) independent candidate shall mean a candidate nominated not by a nominating organisation;
- d) kin shall mean lineal kin and spouse thereof; adoptive and foster-parent; adopted and foster-child; sibling, spouse, common-law companion; lineal kin, sibling of spouse; and sibling's spouse;
- e) clerk shall mean settlement clerk, district clerk;
- f) type of nomination shall mean single mandate constituency, regional list, national list nomination in the election of Members of Parliament; list nomination in the election of the Members of the European Parliament; mayors/the capital Mayor's, common regional list, single mandate constituency, compensation list, county/metropolitan list and minority common regional list nomination in the election of the representatives and mayors of local governments;
- g) nominating organisation shall mean political parties registered pursuant to Act XXXIII of 1989 on the

Operation and Financial Functioning of Political Parties, and social organisations registered pursuant to Act II of 1989 on the Freedom of Association; nominating organisations putting forward joint candidates or setting up joint lists shall be considered one nominating organisation;

h) representative shall mean Members of Parliament, Members of the European Parliament, members of the body of representatives of settlement municipalities, members of county general assemblies, members of the metropolitan general assembly, members of minority municipalities;

i) persons submitting initiatives shall mean in the event of referendums initiated by citizens and popular initiatives the organisations and private persons that have submitted the initiative;

j) candidate of minorities shall mean independent candidates undertaking the representation of some national or ethnic minority determined under the Act on the Rights of National and Ethnic Minorities, or candidates of the minority organisation;

k) minority organisation shall mean a social organisation that, in accordance with the court registration, represents a national or ethnic minority determined under the Act on the Rights of National and Ethnic Minorities;

l) poster shall mean election placards, advertisements, notices, handouts, projected images, flags, emblems irrespective of the carrier material;

m) mayor shall mean the mayor of the settlement, the Mayor of Budapest;

n) settlement shall mean communities, towns/cities, cities having county rights, districts of the capital;

o) election campaign shall mean the statement of the election program; the promotion of candidates, lists, nominating organisations; the organisation of election meetings; the placement of posters; the use of volunteers.

p) first name and family name shall mean the name used in marriage, the first name and family name at birth;

q) domicile shall mean the address of the flat or, for lack of it, except for Hungarian citizens and non-Hungarian citizens living abroad, of the rooms, abode used in need that the voter uses as his/her home on a regular basis in his/her normal life, if he/she has notified it to the particulars and address register as address.

r) foreign representation shall mean the embassy and consulate general of the Republic of Hungary.

## CHAPTER XVIII

### THE ENTRY INTO FORCE AND IMPLEMENTATION OF THE ACT

#### Entry into force

**§ 150** This Act shall enter into force on the day it is promulgated.

#### Transitional provisions

**§ 151** (1) In respect of elections called for, and the completion of referendums ordered prior to this Act entering into force, the provisions in force as of the date when the election is called for, or the referendum is ordered apply.

(2) In the event of initiatives aimed at ordering a referendum and popular initiatives in progress on the date this Act enters into force, Section § 117 hereof shall not be applied.

#### Authorisation

**§ 152** The Government shall be authorised to determine the sequence number, seat and territory of parliamentary single mandate and regional constituencies.

**§ 153** (1) The Minister of the Interior shall be authorised to determine under decree:

a) the order of the registration of major citizens disfranchised, and of the preparation of the establishment of constituencies and electoral districts;



- b) the terms and deadlines of the electoral procedure;
- c) the responsibilities of election offices and the training of the members thereof; the division of powers among national, regional and local election offices;
- d) the organisation, technical completion of the information technology, ballot aggregation order of the state's election related tasks;
- e) the sample, number of copies and order of forwarding of information notices, proposal coupons, petition booklets with signatures, election minutes, data sheets and other printed matters;
- f) the range of the nationally aggregated data of the election results;
- g) the normative budgets, items, accounting and internal supervision order of the election costs.

(2) In his/her decree the Minister of the Interior may determine a working day directly preceding or following the term, deadline determined under the Act as term or deadline, if the term or deadline otherwise fell on a weekly rest day or holiday.

(3) The Minister of the Interior shall report on the organisation and completion of the state's tasks related to the general elections of Members of Parliament and the representatives and mayors of local governments, and national referendums to the Parliament.

**§ 154** The Minister of the Interior may enter into a contract with a legal person to fulfil the state's election related responsibilities subject to ensuring security requirements. Service agreements shall not be concluded with regard to the compilation of the register and the registration of major citizens disfranchised, checking proposals and monitoring voting performed two or three times.

#### Repealed provisions

**§ 155** Simultaneously with this Act entering into force, the following provisions shall be repealed:

- a) the part of the text "furthermore, the principles of establishing constituencies" from Section § 4 (3) ; the third sentence of paragraph (1); the second, third and fifth sentences of paragraph (2); the third sentence of paragraph (3) of § 5; chapters IV-X of § 6; Section § 46 (2); § 49; § 51; Section § 52 a) and e)-j); § 53-55; and, Annexes 1 and 5-17 of Act XXXIV of 1989 on the Election of Members of Parliament (hereinafter referred to as "Parliamentary Election Law");
- b) Act II of 1990 on the modification of the Parliamentary Election Law;
- c) § 2; Section § 3 (2); § 6-32; § 34-38; Section § 39 (5)-(6); and, Annexes 1 and 5-16 of Act III of 1994 on the modification and amendment of the Parliamentary Election Law;
- d) Act XXV of 1994 on the modification of the Parliamentary Election Law;
- e) § 153 of Act I of 1996 on the Radio and Television Broadcasting;
- f) § 22-24 and Section § 41 (6) of Act LXVI of 1996 on the modification of laws related to the use of the tax identification sign, the Social Security identification sign and the personal identifier;
- g) Chapter II; § 10 and 12; Chapters IV and V; Section § 25 (1) and (4); the fourth sentence of paragraph (1) and paragraphs (2)-(5) of § 26; Section § 27 (3)-(4); § 28; Section § 30 (2), (3) and (5); Chapter VII; the first and second sentence of paragraph (2), and paragraph (3) of § 42; the part of the text "on the grounds of Section § 27 (1)" from the second sentence of paragraph (1) of § 46/A; Section § 48 (2)-(3); Section § 50/A (1) and (3); the second sentence of paragraph (1) and the part of the text of "pursuant to Section § 28 (4)" from paragraph (4) of § 50/C; § 50/D; Chapter XII; paragraph (2) and the part of the text "in 30 days from the vacancy to the relevant election committee" from paragraph (3) of § 53; Section § 54/A b), c) e)-j), o), r)-t), w)-z); § 56; Section § 57 a), b) and f); § 58; Section § 59 (1); § 60-62; and, Annexes 1,2 and 6 of Act LXIV of 1990 on the Election of the Representatives and Mayors of Local Governments (hereinafter referred to as the "Local Elections Law");
- h) § 2-4; § 6; § 8-18; § 20-27; § 38; Section § 40 (1); and § 41 of Act LXII of 1994 on the modification of the Local Elections Law;
- i) Section § 45 (3)-(5); Section § 47 (3); the second sentence of paragraph (2) § 49; Section § 50 (1); and § 51 of Act LXV of 1990 on Local Governments;

j) Section § 32 l) and Section § 36 m) of Act XX of 1996 on the methods of identification replacing the personal identification number, and the use of identification codes.

**Modified provisions**

§ 156

§ 157

§ 158

§ 159

§ 160 In Annex 4 to the Parliamentary Elections Law, party, or the election list of a party shall mean list.

§ 161

§ 162

§ 163 (1)

(2)

§ 164

§ 165

§ 166

§ 167

§ 168

§ 169

§ 170

§ 172 - § 193