

# Act XXXVI of 2013 on Electoral Procedure

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(last modified by Act CCVII of 2013)

## GENERAL PROVISIONS

### Chapter I

#### Basic Rules

##### 1 Scope

###### Section 1

This Act shall be applied with regard to

- a) elections of Members of Parliament;
- b) elections of representatives and mayors of municipalities;
- c) elections of representatives of national minority local self-governments;
- d) elections of members of the European Parliament;
- e) in procedures regarding which the application of this Act is required by law [(a)-e)

hereinafter together: 'elections'].

##### 2 The basic principles of electoral procedure

###### Section 2

(1) The following principles shall prevail in the application of the rules of electoral procedure:

- a) the protection of the fairness of the election;
- b) voluntary participation in the election procedure;
- c) equal opportunities for candidates and nominating organisations;
- d) support for voters with a disability in exercising their right to vote;
- e) exercising of rights in good faith in accordance with their purpose;
- f) the publicity of the electoral procedure.

(2) The data available to electoral bodies shall be public, with the exceptions laid down in law.

(3) In the period between the calling of an election and the results of the election becoming final, the provisions of the Act on Self-determination Regarding Personal Information and on the Freedom of Information shall be applied by election bodies with the exception that requests for public information and public information subject to disclosure shall be met without delay, within no more than 5 days.

(4) Based on the request of citizens concerned, the election offices shall only give information on those personal particulars contained in the recommendation sheets that have been certified according to Section 125 (3).

### 3 Interpretative Provisions

#### Section 3

For the purposes of this Act:

1 'Voter with a disability' shall mean a voter who has limited or no sensorial abilities (especially vision and hearing) or limited or no musculoskeletal abilities or mental capacity, or who has considerably limited communication abilities, and this places him or her at a lasting disadvantage when it comes to actively participating in public life;

2 'Relative' shall mean spouses, registered partners, domestic partners, lineal descendants and ancestors and their spouses and registered partners, adopted children, stepchildren, foster children, adoptive parents, step-parents, foster parents, siblings, as well as the lineal descendants and ancestors and siblings of spouses and registered partners and spouses and registered partners of siblings;

3 'Nominating organisation' shall mean, with regard to the election of Members of Parliament, parties listed with final effect in the court register of non-governmental organizations when the election is called, as well as national minority self-governments, if entered into the register of nominating organisations by the election commission; with regard to the election of the Members of the European Parliament, parties listed with final effect in the court register of non-governmental organizations when the election is called, if entered into the register of nominating organisations by the election commission; with regard to the election of representatives and mayors of municipalities, parties and associations (except for trade unions) listed with final effect in the court register of non-governmental organizations when the election is called, if entered into the register of nominating organisations by the

election commission; with regard to the election of representatives of national minority self-governments, national minority organizations listed with final effect in the court register of non-governmental organizations when the election is called;

4 'Representative' shall mean representatives, national minority representatives and mayors elected in elections falling within the material scope of this Act;

5 'Address in Hungary' shall mean the address of a registered domicile in Hungary, or, in the case of persons with no registered domicile in Hungary or abroad, the address of a registered residence in Hungary;

5a. 'Foreign representation' shall mean the diplomatic and consular mission of Hungary operating abroad, set up based on a Government decision;

6 'Document proving Hungarian citizenship' shall mean a passport, a certificate of naturalization or a certificate of citizenship;

7 'Proxy' shall mean a person holding a power of attorney documented in a public document or a private document of full probative value;

8 'The minister' shall mean the minister responsible for regulating elections and referendums;

9 'Name' shall mean the person's married name and first name; for persons without a married name and when the mother's name is requested, the family name of birth and the first name;

9a 'nationally available media services' shall mean media services available for at least 50 percent of Hungary's inhabitants;

10 'Mayor' shall mean a mayor or the Lord Mayor of the Capital city;

11 'Settlement' shall mean a town, a city, a city that is the seat of a district, a city with county status or a district of the Capital city;

12 'Domicile of settlement rank' shall mean a domicile regarding which the register of citizens' personal data and addresses contains the note "without address" alongside the name of the settlement;

13 'Ügyfélkapu' shall mean the electronic client login and identification system of the Hungarian Government ['client gateway' to electronic administration];

14 'Election bodies' shall mean election commissions and election offices.

4 International observers

Section 4

(1) Observers from another state or an international organisation registered to observe the elections by the National Election Office

a) may observe the entire election procedure and be present while the election bodies work;

b) may view the documents of the election commissions and request copies thereof – such copies shall not contain personal data;

c) may put questions to members of election bodies and call their attention to the detected irregularities;

d) shall not hinder or influence the election procedure or the activities of the election bodies;

e) shall wear the registration badge supplied by the National Election Office in a visible manner and location during their activities;

f) shall carry out their activities impartially.

(2) The National Election Office shall keep records on international observers. The records shall contain the name, place of birth and time of birth of each international observer, as well as the name of the sending state or international organisation. The names of international observers, as well as the name of the sending states or international organisations shall be published by the National Election Office on the official website of the elections.

(3) Decisions on the registration and deregistration of international observers shall be made by the President of the National Election Office, and no appeal shall lie against the decision.

(4) The personal data of international observers shall be erased from the records on the first working day after the ninetieth day following the vote.

## 5 Observers at foreign representations

### Section 5

(1) Each nominating organisation putting forward candidates and each independent candidate may delegate two people to each foreign representation to act as observers. Organizations putting forward candidates jointly may delegate two observers jointly.

(2) Only voters listed in the central electoral register may act as observers at foreign representations.

(3) Observers at foreign representations shall be reported to the National Election Commission 10 days before the voting in Hungary at the latest, providing their name and personal identification number, or, if they have no personal identification number, the type and number of the document proving their Hungarian citizenship. The National Election Commission shall enter observers at foreign representations into a register. The National Election Office shall send the name and personal identification number of observers at foreign representations – or, if they have no personal identification number, the type and number of the document proving their Hungarian citizenship – to the head of the election office at the foreign representation.

(4) Observers registered by the National Election Commission may be present while the election office at the foreign representation carries out its work. Observers at foreign representations

- a) may observe the work of the election office at the foreign representation;
- b) 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,
- c) may record their comments in the record made out on the closing of voting;
- d) may lodge objections;
- e) may sign the sealed ballot box after closing the voting;
- f) is obliged to wear a registration badge in the polling station.

(5) The costs related to the observer's delegation and activity shall be borne by the delegator listed in (1).

## 6 The call for the election

### Section 6

(1) Elections shall be called so that the day of voting in Hungary is seventy to ninety days after the day of the calling of the election.

(2) Voting shall be held on Sundays.

(3) Voting shall not be held on a day that is a holiday according to the Labour Code, and they shall not be held on Easter Sunday or Pentecost Sunday.

### Section 7

If the election commission or the court orders the voting to be repeated, the order shall call the election for a day within thirty days of the original vote.

## Section 8

(1) By-elections shall be called

a) for a day within 120 days from the day the seat becomes vacant;

b) for a day within 120 days from the original vote if the vote was invalid or inconclusive or was not held due to the insufficient number of candidates.

(2) Elections shall not be called for the following periods:

a) by-elections of Members of Parliament shall not be called for any day between 1 January in the year of the general election of Members of Parliament and the day of the general election of Members of Parliament;

b) by-elections of representatives and mayors of municipalities shall not be called for any day between 1 April in the year of the general election of representatives and mayors of municipalities and the day of the general election of representatives and mayors of municipalities;

c) by-elections of representatives of national minority self-governments shall not be called for any day between 1 April in the year of the general election of representatives of national minority self-governments and the day of the general election of representatives of national minority self-governments.

## Section 9

### 7 Regulations pertaining to deadlines

## Section 10

(1) The deadlines determined under this Act shall be deadlines of preclusion.

(2) Deadlines shall be calculated based on calendar days.

(3) Deadlines shall expire at 16:00. The deadline for the decision of the election commission shall expire at 24:00.

(4) Procedural acts carried out after 16:00 shall be considered to have been carried out on the next day – with the exception of procedural acts carried out by election bodies.

## Section 11

(1) The calendar dates of the deadlines in this Act shall be determined: in the case of a general election, by the minister by decree, and in the case of a by-election, by the calling election commission by resolution.

(2) If a deadline set in this Act is to expire on a non-working day, the minister may set the calendar date of the deadline for the working day before or after that day in the decree.

## 8 The costs of the electoral procedure

### Section 12

The costs associated with the tasks of the state in the area of preparing and conducting elections, as well as other costs arising in connection with the activities of election bodies, shall be financed from the national budget – to the extent determined by Parliament. The State Audit Office shall inform Parliament about the use of these financial resources.

## 9 Reporting

### Section 13

(1) After general elections, the President of the National Election Office shall report to Parliament on the organization and execution of state tasks related to the elections.

(2) After general elections, the chairman of the National Election Commission shall report to Parliament on the activities of the National Election Commission during the elections.

## 9/A Exclusion from suffrage

### Section 13/A

(1) Courts shall decide on exclusion from suffrage in decisions ordering placement under conservatorship limiting competency, decisions ordering placement under conservatorship precluding competency, and decisions issued in the course of proceedings aimed at reviewing conservatorship.

(2) Courts shall exclude persons of legal adult age from suffrage whose capacity for reasoning necessary for exercising suffrage

a) is greatly reduced permanently or recurrently owing to their mental state, unsound mind or pathological addiction; or

b) is permanently and completely lost owing to their mental state or unsound mind.

(3) If the court does not exclude a legal adult placed under conservatorship from suffrage, then he or she shall exercise electoral rights personally and shall have the power to make valid legal statements alone in the context of these rights.

(4) Persons empowered to initiate lawsuits aimed at the termination of conservatorship may request the termination of the exclusion from suffrage of a legal adult placed under conservatorship irrespective of the provisions of (1).

## Chapter II

### Election commissions

#### 10 Election commissions

##### Section 14

(1) Election commissions shall be independent bodies serving voters, subject only to the law, and their primary task shall be determining the election results, ensuring the fairness and legality of elections, ensuring impartiality and, if necessary, restoring the legal order of elections.

(2) The following bodies shall function as election commissions:

- a) the National Election Commission;
- b) territorial election commissions;
- c) parliamentary single-member constituency election commissions;
- d) local election commissions;
- e) polling station commissions.

(3) In settlements with a single polling district, the powers and responsibilities of the polling station commission shall be held by the local election commission.

(4) The National Election Commission shall have at least seven members; polling station commissions and local election commissions of settlements with one polling district shall have at least five members, while territorial election commissions, parliamentary single-member constituency election commissions and the local election commissions of settlements with more than one polling district shall have at least three members.

## Section 15

(1) The members of polling station commissions and the members of local election commissions in settlements with a single polling district 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 their employer.

(2) Employers may request the wages and related contributions paid in accordance with (1) above to be reimbursed within five days of the voting at the local election office.

## 11 Members of election commissions

### Section 16

Election commissions shall have elected and appointed members.

### Section 17

(1) With the exceptions laid down in Sections 26, 28, 35 (3) and 171 (1),

a) only voters having an address in the settlement in question and included in the central electoral register may be members of polling station commissions and the local election commissions;

b) only voters having an address in the constituency in question and included in the central electoral register may be members of parliamentary single-member constituency election commissions;

c) only voters having an address in the county in question or the Capital and included in the central electoral register may be members of territorial election commissions; and

d) only voters having an address in Hungary and included in the central electoral register may be members of the National Election Commission.

(2) Persons who are eligible to stand as a candidate in the election of Members of Parliament shall be eligible to become elected members of election commissions and appointed members of the National Election Commission.

(3) Persons who meet the criteria listed in (2) and have a university-level law degree shall be eligible to become elected members of the National Election Commission.

(4) Persons who are eligible to stand as a candidate in the election in question shall be eligible to become appointed members of election commissions.

## Section 18

(1) The following persons may not serve in election commissions:

- a) the President of the Republic;
- b) the first officer of Parliament;
- c) representatives;
- d) deputy mayors;
- e) municipal clerks;
- f) members of other election commissions and election offices;
- g) persons serving in the Hungarian Armed Forces and
- h) candidates.

(2) In addition to those listed in (1), the following persons may not serve on election commissions:

- a) members of political parties;
- b) members of nominating organisations that put forward a candidate in the constituency in question;
- c) relatives of candidates standing in the constituency in question;
- d) persons in Government service, public employee or service relationship or other work-related relationship with central administration bodies as defined in the Act on Central Administration Authorities, and on the Legal Status of Members of the Government and State Secretaries or other administrative bodies with powers in the election commission's areas of competence, and state leaders.

## Section 19

(1) The rights and responsibilities of elected and appointed members shall be identical, with the exceptions laid down in Sections 41 (3) and 45 (3).

(2) Elected members of election commissions shall receive remuneration.

(3) The monthly remuneration of elected members of the National Election Commission shall be ten times the amount of civil servants' base salary. The monthly remuneration of the chairman of the National Election Commission shall be fifteen times the amount of civil servants' base salary.

(4) Appointed members of the National Election Commission are entitled to receive remuneration according to the remuneration of elected members during the time of their duty starting from the taking of their oath or pledge but maximally for the duration of 50 days before the ballot day of general elections to the 20th day after the ballot day of general elections or the proportional time thereof.

(5) Elected members of the National Election Commission are entitled for the reimbursement of their justified and verified costs related to the operation of the National Election Commission as determined by ministerial decree.

## 12 Electing members of election commissions

### Section 20

(1) The seven members and three alternate members of the National Election Commission shall be elected by Parliament for a term of nine years on the proposal of the President of the Republic within ninety days of the termination of the mandate of the previous National Election Commission.

(2) The election of members and alternate members of the National Election Commission shall require the vote of two-thirds of the Members of Parliament present.

(3) If the first vote is unsuccessful, a second vote shall be held. If the second vote is unsuccessful as well, the election of the members and alternate members of the National Election Commission shall require the vote of more than half of the Members of Parliament present. The President of the Republic may propose new candidates for the second and further voting.

### Section 21

Three members and at least two alternate members of territorial election commissions shall be elected after the calling of the general election of representatives and mayors of municipalities and no less than 42 days before the day of voting by the Capital city or county general assembly on the proposal of the head of the territorial election commission.

### Section 22

Three members of parliamentary single-member constituency election commissions and at least two alternate members shall be elected by the body of representatives of the settlement of the parliamentary single-member constituency on the proposal of the head of the election office of the single-member constituency after the calling of the general election of Members of Parliament and no less than 42 days before the day of voting.

### Section 23

Three – in the case of settlements with a single polling district, five – members and at least two alternate members of local election commissions shall be elected after the calling of the general election of representatives and mayors of municipalities and no less than 42 days before the day of voting by the body of representatives of the settlement's municipality on the proposal of the head of the local election commission.

#### Section 24

(1) Three members and the necessary alternate members of polling station commissions shall be elected by the body of representatives of the settlement's municipality on the proposal of the head of the local election office after the calling of the general election of Members of Parliament and no less than 20 days before the day of voting. The members and alternate members of polling station commissions shall be elected at the settlement level.

(2) In settlements with a single polling district, the election of a polling station commission shall not be required.

(3) The polling station commissions of polling districts drawn up pursuant to Section 78 shall be supplemented by the head of the local election office as necessary using the alternate members if the number of voters in the electoral register of the polling district exceeds nine hundred (due to voters who changed districts).

#### Section 25

(1) No amendments may be submitted regarding the proposals on the members and alternate members of election commissions.

(2) The election of members and alternate members shall be decided by Parliament, the general assembly or the body of representatives by one round of voting.

#### Section 26

If the members of an election commission are not elected by the relevant deadline, the members shall be appointed with immediate effect, through a decision entered into the records, by the following bodies:

a) the members of polling station commissions shall be appointed by the parliamentary single-member constituency election commission on the proposal of the head of the local election office;

b) the members of local election commissions shall be appointed by the territorial election commission on the proposal of the head of the local election office;

c) the members of parliamentary single-member constituency election commissions shall be appointed by the National Election Commission on the proposal of the head of the parliamentary single-member constituency election office, and the members of territorial election commissions shall be appointed by the National Election Commission on the proposal of the head of the territorial election office.

### 13 Appointing members of election commission

#### Section 27

(1) An additional member of the National Election Commission shall be appointed by each of the parties that have a political group in Parliament. No commission member shall be appointed pursuant to this Subsection between the day the general election of Members of Parliament is called and the day of the inaugural session of Parliament.

(2) After the general election of Members of Parliament is called, an additional member of the National Election Commission shall be appointed by each of the nominating organisations putting forward national candidate lists.

(3) After the general election of the Members of the European Parliament is called, an additional member of the National Election Commission shall be appointed by each of the nominating organisations putting forward candidate lists.

#### Section 28

(1) An additional member of territorial election commissions, parliamentary single-member constituency election commission and local election commissions shall be appointed by each of the independent candidates and nominating organisations putting forward candidates or lists in the polling district.

(2) Nominating organisations putting forward a list or a candidate and independent candidates may appoint two members each to polling station commissions, and to the election commissions of settlements with a single polling district.

#### Section 29

(1) Nominating organisations putting forward joint candidates or joint lists shall be entitled to appoint the number of election commission members listed in Section 27 and 28 jointly.

(2) One nominating organisation, party or independent candidate may appoint members to an election commission maximally according to the number listed in Section 27 and 28. For the purposes of this Subsection, members appointed by a nominating organisation as a joint appointee or together with another nominating organisation putting forward a list shall also be considered a member appointed by the nominating organisation in question.

#### Section 30

(1) Appointed members of election commissions shall be reported to the chairman of the election commission, and appointed members of polling station commissions shall be reported to the head of the local election office.

(2) Appointed members of election commissions shall be reported at least sixteen days before the day of voting – with the exception of those appointed pursuant to Section 27 (1).

(3) The report shall contain the name of the appointing body and the name and Hungarian address and personal identification number of the appointee.

#### Section 31

The right of the appointed member to vote shall be verified by the election office.

#### Section 32

(1) If the appointment fails to meet the requirements laid down by law, the chairman of the election commission shall report the case to the election commission.

(2) The election commission shall pass a resolution within three days of the reporting, accepting or rejecting the appointment.

(3) In the case of appointed members of the polling station commission, the head of the local election office may reject the appointment by resolution if it fails to meet the requirements set by law.

### 14 Termination of the mandate of members of election commissions

#### Section 33

(1) The mandate

a) of elected members of the National Election Commission shall last for nine years from the inaugural meeting of the National Election Commission;

b) of members of the National Election Commission appointed pursuant to Section 27 (1) shall last until the day the next general election of Members of Parliament is called or their political group ceases to exist;

c) of members of the National Election Commission appointed pursuant to Section 27 (2) shall last until the day of the inaugural session of Parliament;

d) of members of the National Election Commission appointed pursuant to Section 27 (3) shall last until the end result of the elections becomes final.

(2) If Parliament fails to elect the members of the National Election Commission by the deadline set in (1) a), the mandate of the elected members of the previous National Election Commission shall be extended until the inaugural meeting of the new National Election Commission.

(3) The mandate of members of territorial election commissions, parliamentary single-member constituency election commissions, local election commissions and polling station commissions shall last until the following dates:

a) for elected members, until the inaugural meeting of the election commission elected for the next general elections;

b) for appointed members, until the end result of the elections becomes final.

#### Section 34

(1) The mandate of members of the election commission shall cease, in addition to the cases described in Section 33:

a) if the preconditions for the mandate listed in Section 17 cease to be met;

b) in the case of conflict of interests as set forth in Section 18;

c) upon resignation,

d) if the mandate of the appointed member is revoked by the appointer;

e) if the independent candidate who appointed the member or the candidate or list of the nominating organisation that justified the appointment is eliminated;

f) upon the member's death.

(2) The termination of the mandate of a member of an election commission pursuant to (1) shall be established by the election commission by resolution.

(3) Anyone may propose establishing the termination of the mandate pursuant to (1) a), b) or e).

(4) The election commission shall decide upon the proposal within three days. The affected member shall not participate in making the decision, and shall not be taken into account when determining the quorum.

## 15 Filling vacant positions in election commissions

### Section 35

(1) If the mandate of an elected member of an election commission was terminated for any of the reasons listed in Section 34 (1) a)-c) or f), their place shall be taken by the alternate member who is next in the list in the motion for electing alternate members – or, in the case of polling station commissions, the one selected by the head of the local election office.

(2) If there is no alternate member, the body of representatives of the settlement's municipality or the Capital city or county general assembly, or, in the case of the National Election Commission, Parliament, shall elect a new member.

(3) If no new member was elected to the election commission, the procedure set forth in Section 26 shall be applied. If in the case set forth in Section 26 a) the parliamentary single-member constituency election commission is not operating, the local election commission shall act in its place, and if in the case set forth in Section 26 b) the territorial election commission is not operating, the National Election Commission shall act in its place.

### Section 36

If the mandate of a member of an election commission is terminated for any of the reasons set forth in Section 34 (1) a)-d) or f), the appointer may appoint a new member to replace them.

## 16 Taking the oath or pledge

### Section 37

(1) Members and alternate members of election commissions shall take an oath or pledge within five days of being elected or appointed, and members and alternate members of polling station commissions shall do so two days before the day of voting at the latest.

(2) Elected members and alternate members of the National Election Commission shall be sworn in by Parliament, appointed members of the National Election Commission

shall be sworn in by the Speaker of Parliament, members and alternate members of territorial election commissions shall be sworn in by the Lord Mayor of the Capital city or the President of the county general assembly, and members and alternate members of polling station commissions, parliamentary single-member constituency election commissions and local election commissions shall be sworn in by the mayor, all using the text contained in the Act on the Oath and Pledge of Certain Public Officials.

(3) If the oath or pledge is not taken by the deadline set in (1), it shall be taken in the presence of the President of the Parliament instead of the Parliament, the Lord Mayor of the Capital city or the President of the county general assembly instead of the mayor, or in the presence of the chairman of the National Election Commission instead of the Lord Mayor of Capital city or the President of the county general assembly.

(4) Members of election commissions may exercise their rights after taking the oath or pledge.

## 17 The inaugural meeting of election commissions

### Section 38

(1) Election commissions, once their members are elected and have taken the oath or pledge, shall hold an inaugural meeting.

(2) The National Election Commission shall hold its inaugural meeting on the working day following the expiration of the mandate of the previous National Election Commission. In the cases set forth in Section 33 (2), the inaugural meeting of the National Election Commission shall be held on the day of its election.

## 18 The chairmen of election commissions

### Section 39

(1) At the inaugural meeting, election commissions shall elect a chairman and the chairman's deputy from among the elected members. The members of the commission may submit proposals for chairman and deputy chairman.

(2) The election commission shall be represented by its chairman. If the election commission has no chairman or the chairman is prevented from acting, the chairman's powers shall be exercised by the deputy chairman.

## 19 Election commission meetings

### Section 40

(1) The meetings of election commissions shall be public.

(2) Actions taken by the chairman in order to maintain order shall be binding on everyone.

(3) Records shall be kept of the meetings of election commissions, with the exception of those of polling station commissions. The records shall contain the time and place of the meeting, the names of the members present, the decisions made by the election commission and minority opinions.

### Section 41

(1) Election commissions shall have a quorum if more than half of the members who have taken an oath or pledge are present.

(2) Polling station commissions and local election commissions acting as polling station commissions in settlements with a single polling district shall have a quorum if at least three members are present.

(3) The members of the National Election Commission appointed by a national minority self-government shall only be taken into account with regard to the quorum in cases affecting national minorities.

## 20 The Rules of Procedure of the National Election Commission

### Section 42

The detailed rules to be followed by the National Election Commission shall be set out in a Rules of Procedure within thirty days of the inaugural meeting. The Rules of Procedure shall be published on the official website of the elections.

## 21 Establishing the facts of the case

### Section 43

(1) Based on the available evidence, the election commission shall establish the facts necessary for making a decision.

(2) Any evidence that can make establishing the facts easier may be used in the procedures of the election commission. This applies in particular to: statements, documents, witness testimonies and physical evidence.

(3) The election commission may – on request – allow the applicant to present an oral statement. In this case, the adverse party, if present, shall be also allowed to make an oral statement.

(4) Facts officially known to the election commission or election office and facts of public knowledge shall not require proof.

(5) The election commission shall assess pieces of evidence one by one and on the aggregate, and shall in accordance with their conviction based on that establish the facts of the case.

## 22 Election commission decisions

### Section 44

(1) The election commission shall issue a resolution regarding the substance of the case, and decisions set out in records, regarding all other issues that arise in the course of the procedure.

(2) If it discovers a breach of the law, the election commission shall – by a decision set out in the records – initiate procedures by the body with the relevant authority.

### Section 45

(1) Decisions of the election commission shall require concordant votes by more than half of the members present.

(2) Votes shall be yes or no. Tied votes shall be decided by the chairman's vote.

(3) Members of the National Election Commission appointed by a national minority self-government shall only have voting rights in cases affecting national minorities; in other cases, they may participate in meetings of the National Election Commission with consultation rights.

## 23 Resolutions

### Section 46

Resolutions of election commissions shall contain:

a) the name of the election commission, the number of the resolution;

- b) the name and address or seat of the applicant;
- c) in the operative part:
  - ca) the decision of the election commission;
  - cb) information on the possibility, place and deadline of submission and conditions of appeals;
- d) in the justification:
  - da) the established facts of the case and the underlying evidence;
  - db) the evidence presented and found inadmissible, and the reason for inadmissibility;
  - dc) in the case of a resolution reached within the discretionary powers of judgement, the considerations and facts taken into account;
  - dd) the specific sections of rules of law that provide legal grounds for the commission to adopt its resolution;
  - e) the time the decision was made;
  - f) the signature of the chairman of the election commission and the stamp of the election commission.

#### Section 47

(1) The resolutions of first instance issued by election commissions shall become final if they are not appealed by the time the deadline for appeals expires.

(2) The resolutions of second instance issued by election commissions and the resolutions of first instance issued by the National Election Commission shall become final if no application for judicial review is submitted by the time the deadline for applications of judicial review expires.

#### 24 Communicating resolutions

#### Section 48

(1) Resolutions 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. Resolutions may be communicated directly

- a) by handing over the resolution to those present;
- b) by fax;
- c) as an electronic document (via email) or

d) to the agent for service of process in the manner defined in a)-c).

The manner(s) of the direct communication of resolutions shall be chosen by the applicant.

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

(3) The resolution – unless communicated pursuant to (1) a) – shall be sent by mail or by other means of delivery to those affected on the working day following the day the resolution is adopted. Domestically, resolutions shall be delivered as official documents. Resolutions – unless otherwise requested by the addressee – shall be mailed to the person's contact address listed in the central electoral register, or, in the absence thereof, to their permanent address.

#### Section 49

(1) Resolutions shall be handed over, free of charge, to the appointed members of the election commission on their request.

(2) Except for personal data, the election commission shall publish its resolution.

#### 25 Correction of resolutions

#### Section 50

(1) If a resolution contains an incorrectly typed name, number or other error that does not affect the substance of the case, the election commission, or – based on the election commission's authorization – the chairman of the election commission shall correct the error.

(2) No appeal shall lie against corrections.

(3) Corrections shall be communicated to every person to whom the resolution has been communicated, and shall also be published.

#### 26 Guidelines

#### Section 51

(1) The National Election Commission may issue guidelines to election bodies with a view to ensuring the uniform interpretation of legislation related to elections.

(2) Guidelines shall not be legally binding; they shall serve exclusively as guidance, and no appeals shall lie against them.

(3) Guidelines shall be published on the official website of the elections.

## Chapter III

### Election offices

#### 27 Election offices

##### Section 52

(1) Election offices shall be:

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

(2) One member of the local election office shall act as the record keeper on polling station commissions. The number of minute-keepers working on polling station commissions in polling districts established pursuant to Section 78 shall be determined by the head of the local election office.

#### 28 The National Election Office

##### Section 53

(1) The National Election Office shall be an autonomous government agency.

(2) The National Election Office shall be independent, and subject only to the law; it may not be bound by any instructions regarding its duties, and it shall carry out its tasks independently of other bodies and free of outside influence. Any function may be assigned to the National Election Office only by law or other legislation issued pursuant to law.

##### Section 54

(1) The National Election Office shall be an agency with an independent title in the national budget within the budgetary chapter of Parliament.

(2) The key figures on the expense and revenue side of its budget regarding the current year may only be reduced by Parliament.

(3) Funds left over from the revenues of the previous year may be spent by the National Election Office on its functions in successive years.

## 29 The President of the National Election Office

### Section 55

(1) The National Election Office shall be headed by a President. The President of the National Election Office shall be a Hungarian citizen eligible to stand for election to the Parliament appointed by the President of the Republic on the proposal of the Prime Minister.

(2) Persons who served as President of the Republic, a member of the Government, secretary of state, representative, vice mayor, vice Lord Mayor or party official or employee may not be appointed President of the National Election Office.

(3) The President of the Republic shall appoint the President of the National Election Office for a term of nine years.

(4) After the appointment, the President of the National Election Office shall take an oath or a pledge in front of the President of the Republic using the text contained in the Act on the Oath and Pledge of Certain Public Officials.

### Section 56

(1) The President of the National Election Office may not be a member of any party and may not engage in political activities; this office shall not be compatible with any other state or municipality position or role.

(2) The President of the National Election Office may not engage in any other gainful employment and may not accept any remuneration for other activities, except for scientific, educational and artistic activities, activities falling under the protection of copyright, and proofreading and editorial work.

(3) The President of the National Election Office may not be senior official of an economic association, member of the supervisory board thereof or the member of an economic association obliged to personal co-operation.

(4) The President of the National Election Office shall not be

- a) a member of an election commission;
- b) a candidate;

- c) a relative of a candidate standing in the election of Members of Parliament or the election of the Members of the European Parliament;
- d) a member of a nominating organisation.

#### Section 57

(1) The President of the National Election Office shall submit a financial disclosure statement subject to the same content requirements as those of Members of the Parliament within thirty days of being elected, by the 31st of January each year after that, and within thirty days after the termination of their mandate.

(2) If the President of the National Election Office fails to submit a financial disclosure statement on time, he or she may not act in this official capacity and shall receive no remuneration until the financial disclosure statement is submitted.

(3) The financial disclosure statements shall be public, and their true and faithful copies shall be published on the official website of the elections without delay. Financial disclosure statements shall not be removed from the website for one year following the termination of the mandate of the President of the National Election Office.

(4) Anyone may initiate proceedings related to the financial disclosure statements of the President of the National Election Office with the Prime Minister by submitting a concrete statement of facts that concretely identifies the contested part of the financial disclosure statement and its content. If an initiative submitted fails to meet the requirements set out in this Subsection, it is manifestly unfounded or is a repeatedly submitted initiative without any new statement of facts or data, the Prime Minister shall reject the initiative without carrying out the proceedings. The truthfulness of financial disclosure statements shall be verified by the Prime Minister.

(5) In proceedings related to financial disclosure statements, the President of the National Election Office shall, when called upon by the Prime Minister, submit to the Prime Minister in writing and without delay the data proving the facts stated in the financial disclosure statement regarding wealth, income and financial interests. The Prime Minister shall inform the President of the Republic of the results of the verification by sending the information in question. Only the Prime Minister and the President of the Republic shall have access to this information.

(6) The data supplied as proof by the President of the National Election Office shall be deleted on the thirtieth day after the conclusion of the financial disclosure statement proceedings.

## Section 58

(1) The President of the National Election Office shall be entitled to the same remuneration and allowances as secretaries of state.

(2) The President of the National Election Office shall be entitled to twenty working days of leave time per calendar year.

(3) The President of the National Election Office shall issue the Rules of Organisation and Operation of the National Election Office

## Section 59

(1) For the purposes of entitlement to social security services, the President of the National Election Office shall be considered an insured civil servant.

(2) The period of the mandate of the President shall be considered to be time spent in civil service employment at a public administration agency.

## Section 60

(1) The mandate of the President of the National Election Office shall be terminated:

a) upon completion of the term of office;

b) upon the Minister's resignation;

c) upon death;

d) if it is determined that he or she failed to meet the requirements for appointment or violated the rules on financial disclosure statements;

e) if a conflict of interests is established.

(2) The President of the National Election Office may resign at any time by submitting a written statement to that effect to the President of the Republic via the Prime Minister. The mandate of the President of the National Election Office shall terminate on a day following the day of the communication of the resignation indicated in the resignation note, or, if no such date is indicated, on the day following the communication of the resignation. No statement of acceptance is required for the resignation to be effective.

(3) If the President of the National Election Office fails to eliminate a conflict of interests as defined in Section 56 within thirty days of being appointed, or a conflict of interests arises during his or her term of mandate, the President of the Republic shall

determine, upon the initiative of the Prime Minister, whether a conflict of interests can be established.

(4) The failure of the President of the National Election Office to meet the requirements for appointment shall be determined by the President of the Republic on the initiative of the Prime Minister. If the President of the National Election Office intentionally stated untrue data or facts of importance in the financial disclosure statement, the President of the Republic shall establish, upon the initiative of the Prime Minister, the violation of the rules on financial disclosure statements.

(5) The Prime Minister shall send initiatives pursuant to (3) and (4) concurrently to the President of the Republic and the President of the National Election Office.

(6) The President of the National Election Office may, within thirty days of receiving the initiative, initiate court proceedings aimed at establishing that the initiative is unfounded; in the event of missing this deadline no application for extension shall be accepted. Court proceedings shall be governed by the provisions of the Act on the Code of Civil Procedure on employment relationships and similar relationships with the exception that the administrative and labour court of the Capital city shall have exclusive jurisdiction in such cases, acting in priority proceedings and communicating the claim and any final decision regarding the substance of the case to the President of the Republic.

(7) If the mandate is terminated pursuant to Section (1) a), the President of the National Election Office shall be entitled to a special disbursement amounting to three times his or her monthly salary.

(8) No countersignature shall be required for decisions by the President of the Republic made pursuant to (3), (4) and Section 55.

30 Staff of the National Election Office

## Section 61

(1) The President of the National Election Office shall exercise employer's rights over the civil servant officials and other employees of the National Election Office.

(2) The rules laid down in Section 56 regarding conflicts of interests shall be applied *mutatis mutandis* regarding civil servant officials and other employees of the National Election Office.

(3) If a civil servant official or other employee of the National Election Office fails to eliminate a conflict of interests as defined in Section 56 within thirty days of being appointed,

or a conflict of interests arises during his or her term of mandate, the President of the National Election Office shall determine whether a conflict of interests can be established.

(4) The President of the National Election Office may involve civil service officers and other employees of other central administration bodies in the tasks of the National Election Office and issue orders to them.

### 31 Deputies of the President of the National Election Office

#### Section 62

(1) The President of the National Election Office shall have the right to appoint no more than three Deputy Presidents for an indefinite term. The employee's rights with regard to Deputy Presidents of the National Election Office shall be exercised by the President.

(2) The President may be substituted by a Deputy President if the conditions specified in the rules of organisation and operation are met. Other tasks of the Deputy Presidents shall be defined by the rules of organisation and operation.

(3) Deputy Presidents shall meet the requirements listed in Section 55 (1) and (2) regarding the appointment of the President of the National Election Office.

(4) The rules laid down in Section 56 shall be applied *mutatis mutandis* to conflicts of interests of Deputy Presidents.

(5) Deputy Presidents shall exercise the powers and discharge the duties of the President if the President is unable to do so or the position of the President is vacant.

#### Section 63

The procedures regarding the financial disclosure statement obligations of the Deputy President shall be governed by the provisions of Section 57 *mutatis mutandis*, with the exception that in the course of financial disclosure statement proceedings, the President of the National Election Office shall act instead of the Prime Minister, and the President of the Republic need not be informed about the result of the verifications.

#### Section 64

(1) Deputy Presidents shall be entitled to the same remuneration and allowances as secretaries of state.

(2) Deputy Presidents shall be entitled to twenty working days of leave per calendar year.

(3) For the purposes of entitlement to social security services, the Deputy Presidents of the National Election Office shall be considered insured civil servants.

(4) The period of the mandate of Deputy Presidents shall be considered to be time spent in civil service employment at a public administration agency.

#### Section 65

(1) The mandate of a Deputy President of the National Election Office shall be terminated:

- a) upon resignation;
- b) upon death;
- c) if it is determined that he or she fails to meet the requirements for appointment;
- d) if a conflict of interests is established;
- e) upon dismissal;
- f) upon removal from office.

(2) Deputy Presidents of the National Election Office may resign at any time by submitting a written statement to that effect to the President of the National Election Office. The mandate of the Deputy President of the National Election Office shall terminate on a day following the day of the communication of the resignation indicated in the resignation note, or, if no such date is indicated, on the day following the communication of the resignation. No statement of acceptance is required for the resignation to be effective.

(3) If a Deputy President of the National Election Office fails to eliminate a conflict of interests as defined in Section 56 within thirty days of being appointed, or a conflict of interests arises during his or her term of mandate, the President of the National Election Office shall determine whether a conflict of interests can be established.

(4) The President of the National Election Office shall dismiss the Deputy President of the National Election Office if he or she is unable to discharge his or her duties for reasons beyond his or her control for more than ninety days.

(5) The President of the National Election Office may dismiss Deputy Presidents of the National Election Office.

(6) The President of the National Election Office shall remove from office the Deputy President of the National Election Office if he or she fails to discharge his or her duties for reasons within his or her control for more than ninety days or intentionally states untrue data or facts of importance in a financial disclosure statement.

(7) The failure of a Deputy President of the National Election Office to meet the requirements for appointment shall be determined by the President of the National Election Office.

### 32 Provisions regarding other election offices

#### Section 66

(1) Territorial election offices shall be headed by the clerks of the county self-government or the chief clerk of the Municipality of Budapest.

(2) Parliamentary single-member constituency election offices shall be headed by the municipal clerk of the settlement that is the seat of the parliamentary single-member constituency.

(3) Local election offices shall be headed by the municipal clerk.

(4) If the position listed in (1)-(3) is vacant, the head of the territorial election office shall be appointed by the President of the National Election Office, and the head of the parliamentary single-member constituency election commission or local election office shall be appointed by the head of the territorial election office.

(4a) If the head of the local election office or the head of the single member constituency election office fails to discharge his or her legally obliged duties and by doing so endangers the legal conduct of elections, the head of the territorial election office – with consent of the President of the National Election Office – may appoint the election office of another settlement or single member constituency to fulfil or partly fulfil its duties.

(5) The heads of election offices shall appoint a deputy from among the members of the election office.

#### Section 67

(1) Other members of the election office shall be appointed by the head of the election office as required for discharging the duties of the election office, for an indefinite term.

Election offices shall maintain records of their members.

(2) The mandate of members of election offices may be revoked by the head of the election office without justification.

#### Section 68

(1) Civil servants and public employees are eligible to become members of the election office.

(2) The head and other members of the foreign representation election office shall be appointed by the President of the National Election Office. Members of the staff of diplomatic missions and consulates who are Hungarian citizens may be also delegated as members of election offices at foreign representations.

#### Section 69

(1) The following persons may not be members of election offices:

- a) representatives;
- b) deputy mayors;
- c) members of an election commission;
- d) candidates;
- e) members of nominating organisations that put forward a candidate in the constituency in question; and
- f) relatives of candidates standing in the constituency in question.

(2) If any reason for exclusion arises against the head of the election office, he or she shall immediately report this reason to the President of the National Election Office, who shall dismiss him or her and appoint a new head to the office.

(3) The members of the election office shall immediately inform the head of the election office about any reason of exclusion arising against them, and the head of the election office shall dismiss them.

#### Section 70

The head of the election office shall take an oath or pledge in front of the head of the superior election office; other members of the election office shall take their oath or pledge in front of their appointer, using the text contained in the Act on the Oath and Pledge of Certain Public Officials.

#### Section 71

(1) The technical aspect of the activities of the election offices shall be under the control of the President of the National Election Office.

(2) The President of the National Election Office may give direct orders to the heads of all election offices; the heads of territorial election offices may give direct orders to the heads of parliamentary single-member constituency election offices, to heads of local election offices; and the heads of parliamentary single-member constituency election offices may give direct orders to the heads of local election offices regarding the execution of their tasks as listed in this Act.

(3) Apart from the head of the superior election office, no other person or body may give orders to the heads of election offices regarding the execution of the tasks related to the preparing and conducting elections. Only the head of the election office may give orders to members of the election office regarding the execution of the tasks related to preparing and conducting elections.

(4) The chairmen of election commissions may give orders to the heads of the election offices operating alongside their commissions regarding the secretarial activities of the commission.

## Section 72

The President of the National Election Office may give orders to the heads of other organisations participating in conducting elections regarding the execution of election-related tasks.

## Section 73

(1) Members of election offices shall be entitled to remuneration to be determined by the minister.

(2) The President of the National Election Office may reduce the remuneration of heads of election offices if they fail to discharge their duties or discharge them in an unsatisfactory manner, and, in extreme cases, may withhold the entire remuneration.

## Section 74

The provisions of Sections 46, 47, 48 (3) and 50 shall be applied to the resolutions of the head of the election office.

## 33 The responsibilities of election offices

## Section 75

- (1) Election offices shall
- a) carry out organisational tasks related to preparing and conducting elections;
  - b) provide information to voters, candidates and nominating organisations and operate an election information service;
  - c) act as secretariats to the election commissions; prepare cases falling within the competence of election commissions for decision;
  - d) provide the material and technical conditions for the operation of election commissions and the voting;
  - e) organize trainings for election bodies;
  - f) oversee the handling, safeguarding and destruction of election documents;
  - g) carry out tasks related to administrative and IT tests;
  - h) operate the election IT systems necessary for preparing and conducting elections acting within their competence in accordance with data protection and IT security requirements;
  - i) provide technical assistance in tallying the votes and determining the final result of the elections;
  - j) attend to other duties defined by legal regulations.

(2) The Government Offices of the Capital city and the counties provide election related IT assistance as stipulated by ministerial decree.

### 34 Other tasks of the National Election Office

#### Section 76

(1) The National Election Office shall have the responsibilities listed in Section 75, and, in addition, it shall:

- a) provide for the maintenance of the central electoral register;
- b) conduct public procurement procedures necessary for carrying out the elections, procure products and services;
- c) oversee the setting up and secure operation of the IT system;
- d) carry out the central logistical tasks related to the elections;
- e) carry out the central tasks related to the financial execution of the elections;
- f) ensure that data related to the elections is stored securely;
- g) operate the official website of the elections;
- h) organise administrative and IT tests;

i) ensure that the central forms necessary for conducting the elections are printed and shipped;

j) carry out research regarding the history of elections, the international comparison of election systems and the possible improvements of the methods and tools of the electoral procedure;

k) cooperate with election bodies of other countries;

l) have the power to propose the adoption or amendment of legislation affecting elections, and shall issue opinions on draft legislation affecting its scope of authority.

(2) The National Election Office shall regularly publish, and at least daily update, information of public interest related to registers, voting and the results of the election on its website, especially:

a) the number of voters with no Hungarian address who requested entry into the register, who were entered into the register, who submitted their voting documents, and those who submitted valid voting documents, broken down by country based on their contact address, with the data from countries that do not allow dual citizenship being published under a combined heading;

b) the number of voters listed in the central electoral register, the number of voters listed in each of the polling district electoral registers, the number of voters who changed polling districts, the number of voters listed in the foreign representation electoral register, and the number of voters listed in the postal electoral register;

c) the number of voters showing up to vote at each of the polling stations and foreign representations;

d) the contents of the records.

## Chapter IV

### Polling districts

#### 35 Drawing up polling districts

##### Section 77

(1) The number, serial number and territorial distribution of polling districts and the address of polling stations shall be determined by the head of the local election office by resolution in such a way that there are approximately 600 – but no more than 1500 – persons

enrolled in the central electoral register for every polling station, but there is at least one polling district in every settlement.

(2) Polling district areas may not span settlement borders or the borders of parliamentary or municipality constituencies.

#### Section 78

In settlements with two or more polling districts, the head of the local election office shall select the polling district where voters with a domicile of settlement rank may vote.

#### 36 Review of polling districts

#### Section 79

(1) The head of the local election office shall monitor changes affecting the layout of polling districts on an on-going basis, and modify the layout of polling districts as necessary.

(2) The borders and serial number of polling districts shall not be modified between the calling of the election and the day of voting, and neither shall the borders or names of settlements, street names and numbers or – if the address of the property in question as listed in the address records is the topographical lot number – topographical lot numbers.

#### 37 Communicating resolutions

#### Section 80

The head of the local election office shall publish the resolution on the drawing up and review of polling districts for fifteen days in the local customary manner, indicating the number of voters enrolled in the central electoral register per polling district and polling districts drawn up pursuant to Section 78.

#### 38 Register on polling districts and constituencies

#### Section 81

(1) The register on polling districts and constituencies shall contain the data listed in Annex 1.

(2) The National Election Office shall publish the register on polling districts and constituencies on the official website of the elections on a continuous basis. The head of the local election office shall update the register with the changes.

## Chapter V

### The central electoral register

#### 39 The central electoral register

##### Section 82

(1) The central electoral register shall be an electronic register managed by the National Election Office.

(2) The central electoral register shall contain:

a) data of voters enfranchised for every election within the scope of this Act having an address in Hungary;

b) data of citizens without franchise due to minor age but turned 17 and having an address in Hungary;

c) data of voters enfranchised for every election within the scope of this Act lacking an address in Hungary, who have been enrolled based on their application

d) data of citizens without franchise due to minor age but turned 17 and lacking an address in Hungary ( a)-d) hereinafter referred to together in this chapter as: voters)

##### Section 83

(1) The central electoral register shall contain the data of voters listed in Annex 2.

(2) The data listed in Annex 2 shall be derived – except for subsection (3) - by taking over data from records of citizens' personal data and addresses, in cases of persons not enlisted in such register based on data derived from the register of the documents on Hungarian citizenship, furthermore based on the register of disenfranchised citizens of voting age, and based on the registers on polling districts and constituencies and polling districts electoral registers.

(3) data in the central electoral register according to parts ib), j), k), l) and – in cases of voters not listed in records of citizens' personal data and addresses – m) shall be registered by the election office based on the application of the voter.

## 40 Requests concerning the central electoral register

### Section 84

(1) Inclusion into the register, prolonging the inclusion in the register and modification of his or her data in the register may be requested until the 15th day before the election continuously by those voters without Hungarian address, who are enfranchised for any election within the scope of this Act.

(2) Voters who are not yet legal adults may request to be entered into the electoral register after they turn seventeen years of age. Citizens may make a legal statement alone when submitting a request

### Section 85

(1) Voters with Hungarian address may request that

- a) their belonging to a national minority;
  - b) their request for assistance in voting; or
  - c) a prohibition of releasing their personal data
- be listed in the central electoral register.

(2) Voters with no Hungarian address may request the need for assistance as defined in Section 88 b) to be listed in the central electoral register or request the deletion of such entry.

## 41 Requests for registration as a national minority voter

### Section 86

Requests for registration as a national minority voter shall contain:

- a) an indication of the national minority;
- b) a declaration by the voter, in which the voter professes to belong to said national minority;
- c) an indication of whether the voter also requests to be registered as a national minority voter with regard to the election of Members of Parliament.

### Section 87

Requests for registration as a national minority voter shall be rejected if the voter is already listed in the central electoral register as a national minority voter.

#### 42 Assistance to voters with a disability

##### Section 88

Voters with a disability may request the following types of assistance in exercising their right to vote:

- a) the sending of a notification in Braille transcription;
- b) the sending of simplified information material;
- c) use of a Braille voting template at the polling station or during mobile voting;
- d) use of an accessible polling station.

#### 43 Prohibition of data release

##### Section 89

(1) Voters have the right to prohibit any release of their data pursuant to Section 153 by election bodies.

(2) In the request, voters may also limit or prohibit releasing their data pursuant to the Act on Records of the Personal Data and Addresses of Citizens.

#### 44 Informing voters

##### Section 90

The National Election Office shall inform voters about relevant information on the central electoral register in the time and manner specified by ministerial decree.

#### 45 Submitting requests regarding the central electoral register

##### Section 91

(1) Voters with a Hungarian address may submit requests regarding the central electoral register

a) in person to the local election office of their address or of their temporary residence, or

b) by mail, via the client gateway (ügyfélkapu) or via the official election website to the local election office of their address

(2) Voters with no Hungarian address may submit requests regarding the central electoral register to the National Election Office

a) by mail

b) via the client gateway (ügyfélkapu)

c) via the official election website

(3) Voters living in Hungary with no Hungarian address may submit requests – in addition to the options listed in (2) – regarding the central electoral register to any local election office in person or by mail.

## Section 92

(1) Requests regarding the central electoral register shall contain

a) the voter's

aa) name;

ab) birth name;

ac) place of birth;

ad) mother's name;

ae) personal identification number;

b) in case of voters with no Hungarian address

ba) the postal address where the voter wishes the voting package to be sent, or

bb) the settlement or foreign representation pursuant to Section 277 (2) where the voter wishes to collect the voting package.

(2) Voters with no Hungarian address shall be required to provide – and voters with a Hungarian address shall have the option to provide – their contact address, e-mail address or fax number where they wish the notification pursuant Section 95 (3) to be sent.

(3) Voters with no Hungarian address may supply their date of birth and the type and number of the document proving Hungarian citizenship instead of a personal identification number.

## 46 Adjudging requests regarding the central electoral register

## Section 93

(1) Election offices may only approve requests regarding the register if the voter's information listed in the request matches the information in the records of citizens' personal data and addresses and on the register associated with the document proving the voter's Hungarian citizenship.

(1a) Election offices will also approve requests according to Section 84 in cases where due to:

- a) accentuated letter error,
- b) variance in the writing style,
- c) geographic names indicated in a foreign language,
- d) data according to Section 92 (1) a) subpart aa), ab) and ad)
- da) in case of multiple given names one gets omitted, or
- db) data is indicated in another language

data does not exactly match the data contained in the citizens name and address register or the data of the document verifying the voters Hungarian citizenship but the identity of the voter can nevertheless be determined without any doubt.

(2) Whether the data of the requester match the data on the register associated with the document proving Hungarian citizenship shall be determined by the National Election Office based on data taken from the central travel document database or the register associated with the document proving the voter's Hungarian citizenship by direct access, or by contacting the authority conducting citizenship procedures.

(3) The authority conducting citizenship procedures shall respond to requests within three days.

## Section 94

(1) Requests regarding the central electoral register shall be adjudged within five days of their receipt.

(2) The following requests shall be adjudged on the day of their receipt, or, if they arrive on a day that is not a working day, on the next working day but no later than two days before the vote:

a) requests submitted pursuant to Section 334 (1), if they are received between the calling of the election and the sixteenth day before the day of voting;

b) requests submitted pursuant to Section 85, if they are received between the calling of the election and the second day before the day of voting;

c) requests submitted pursuant to Section 334 (2), if they are received between the calling of the election of the Members of the European Parliament and the second day before the day of voting.

(3) In the cases defined in Section 93 (3), the deadline for adjudging the request shall be calculated from the receipt of the response of the body managing the records of the document proving Hungarian citizenship.

## Section 95

(1) The election office shall make decisions on rejecting requests submitted pursuant to Section 84, Section 85, Section 97 (1) a) and Section 334, and on deletions pursuant to Section 97 (1) b) and Section 97 (2) b) by resolution. The provisions of Section 46 shall apply to the resolutions.

(2) If the election office approves a request submitted pursuant to Section 84, 85, 97 (1) a) or 334, it shall notify the requester of the decision.

(3) Resolutions of the election office and other decisions issued pursuant to (2) shall be communicated to the applicant – if present – by handing over the decision. If the applicant is not present, the decision shall be communicated by e-mail, fax or in the manner defined in Section 48 (3), in accordance with the stated wish of the applicant. If the election office communicates a decision by e-mail or fax to an applicant with a Hungarian address, the decision shall also be communicated in the manner defined in Section 48 (3).

## 47 Keeping the central electoral register

### Section 96

(1) The data in the central electoral register shall be continuously updated with the changes in the data in the following databases:

- a) the records of citizens' personal data and addresses;
- b) the register of disfranchised citizens;
- c) the register on polling districts and constituencies.

(2) The National Election Office shall provide direct access to the data in the central electoral register to election offices.

(3) Voters may request a copy of their data listed in the central electoral register in the local election office of their address; voters with no address in Hungary may do so in the National Election Office.

(4) Members of the National Election Commission may access the data kept in the central electoral register on voters with no address in Hungary, but may not make notes or copies of said data. When accessing the data, the members of the National Election Commission may verify the legality of entries into the register by viewing the requests submitted pursuant to Section 84 and the databases set up pursuant to Section 93.

#### 48 Removal from the central electoral register

##### Section 97

(1) The National Election Office shall remove from the central electoral register those citizens without Hungarian address and living abroad who have been enlisted based on their application but

a) request their removal

b) 10 years have passed since their enrolment; the deadline is reset if the voter modifies his or her data in the electoral register, requests prolonging the inclusion in the register or casts voting documents.

(2) The National Election Office shall remove from the central electoral register those who:

a) died; or

b) lost their right to vote.

#### 49 The register of disfranchised citizens

##### Section 98

(1) The National Election Office shall keep a register of disfranchised citizens. The register shall contain data on legal adults and minors over the age of seventeen who:

a) were stripped of their right to vote due to a limited discretionary capacity for reasoning;

b) are undergoing forced medical treatment ordered in the course of a criminal procedure;

c) have been banned from exercising their civil rights;

d) are serving a term of imprisonment.

(2) The National Election Office shall, by electronic means, using a customized IT application providing direct access to data, take over the legally defined data of citizens defined in the Civil Code from:

- a) the register of persons under guardianship;
- b) the register of convicted criminals.

(3) The National Election Office shall keep the personal identification and address data in the register of disfranchised citizens up to date by regularly taking data from the records of citizens' personal data and addresses.

(4) If a citizen regains the right to vote, their data shall be deleted from the register of disfranchised citizens. The data of citizens removed from the register of disfranchised citizens shall be kept for six months after the removal.

#### Section 99

(1) The register of disfranchised citizens shall only be used for determining whether citizens have the right to vote; data taken from the register shall not be used for any other purpose.

(2) Election offices, election commissions and courts may request data from the register of disfranchised citizens for the purpose described in (1).

#### Section 100

(1) The register of disfranchised citizens shall not be public; it may only be viewed by the affected person regarding his or her own data, and courts and members of election commissions and election offices. Records shall be kept of viewings of data.

(2) Any person who is a legal adult may request confirmation from the National Election Office that based on the register of disfranchised citizens they are not barred from exercising their right to vote for any reason.

### Chapter VI

#### Polling district electoral registers

##### 50 Polling district electoral registers

#### Section 101

From the day after the day the elections are called until fifteen days after the voting, the National Election Office shall make available to the local election offices the data of voters with voting rights listed in the central electoral register, connected up with the register on polling districts and constituencies, with the content indicated in Annex 3, separately for each polling district (hereinafter: polling district electoral register).

#### Section 102

(1) One voter may only be listed in one polling district electoral register.

(2) Citizens who turn eighteen years of age on the day of voting at the latest shall be listed in the polling district electoral register from the day after the day the elections are called.

(3) Voters who requested an accessible polling station pursuant to Section 88 d) – if the polling station assigned to them based on their address is not accessible – shall be moved by the local election office to the register of a polling district in the same settlement and constituency that has an accessible polling station.

(4) On their request, members and record keepers of polling station commissions shall be moved by the local election office to the register of the polling district in which they will be participating in the work of the polling station commission – if it is in the same constituency as the polling district assigned based on their address.

#### 51 Register of voters requesting mobile voting

#### Section 103

(1) Requests for mobile voting may be submitted by voters listed in the polling district electoral register who are limited as to their movement due to their health condition, disability or detention.

(2) Requests for mobile voting shall arrive:

a) following the calling of the elections, but no later than two days before the voting to the local election office where the voters is enrolled; or

b) on the day of voting, by 15:00 at the latest to the polling station commission.

(3) Applications for mobile voting shall contain in addition to data as stipulated in Section 92 (1) a) the following:

a) the voter's residence in the polling district where they wish the mobile voting to take place, if this is different from their Hungarian address; and

b) the reason for requesting mobile voting.

#### Section 104

(1) The local election office shall enter voters requesting mobile voting into the register of voters who requested mobile voting.

(2) The polling station commission shall enter voters requesting mobile voting into the register of voters requesting mobile voting and it shall remove them from the printed polling district electoral register.

#### Section 105

(1) The register of voters requesting mobile voting shall contain the same information on voters as the polling district electoral register, and the data mentioned in Section 103 (3) a).

(2) Persons who are removed from the polling district electoral register shall also be removed from the register of voters requesting mobile voting.

52 Printing polling district electoral registers and lists of voters who requested mobile voting

#### Section 106

(1) After recording the changes that had taken place up to 16:00 two days before the voting, the National Election Office shall close the polling district electoral register and the register of voters requesting mobile voting.

(2) Local election offices – or, on their request, territorial election offices – shall print the closed polling district electoral register and register of voters requesting mobile voting on the day before the voting at the latest. The head of the local election office shall authenticate the polling district electoral register and the list of voters who requested mobile voting.

#### Section 107

(1) The printed polling district electoral register shall not contain the data of the citizens who are in the register of voters who requested mobile voting.

(2) The printed list of voters who requested mobile voting shall contain data as per Annex 3 and Section 103 (3) a).

(3) The printed polling district electoral register and list of voters who requested mobile voting may not be changed – with the exception of the cases described in Section 104 (2).

#### 53 Electoral registers for repeated voting

##### Section 108

If the election commission or the court orders voting to be repeated in the polling district,

a) the following voters shall be added to the polling district electoral register:

aa) those who were listed in the polling district electoral register at the time of the original vote; and

ab) those who became legal adults following the day of the original vote but no later than the day of the repeated vote;

b) those who establish an address in the polling district after the date of the original vote shall not be added to the polling district electoral register.

#### 54 The destruction of polling district electoral registers and lists of voters who requested mobile voting

##### Section 109

(1) Printed polling district electoral registers and lists of voters who requested mobile voting shall be destroyed on the first working day after the ninetieth day following the day of voting.

(2) The data in polling district electoral registers and registers of voters who requested mobile voting shall be erased on the first working day after the ninetieth day following the day of voting.

#### 55 Submitting requests regarding the polling district electoral register

##### Section 110

(1) The provisions of Section 91 (1) and Section 92 (1) a) shall apply to requests pursuant to Sections 103, 250, 259 and 307/A.

(2) Requests pursuant to Section 103 can be also submitted by proxy.

(3) Requests pursuant to Section 103 (2) b) shall be submitted to the polling station commission.

#### Section 111

Requests sent by mail shall reach the election office by the deadline set for submitting requests.

#### 56 Adjudging requests regarding the polling district electoral register

#### Section 112

(1) Requests shall be adjudged – alongside the provisions of Section 93 (1) – by the election office to which they were submitted.

(2) Requests submitted pursuant to Section 103 (2) a) shall be adjudged by the local election office in the polling district electoral register of which the voter is listed at the time of submitting the request.

(3) Requests pursuant to Section 103 (2) b) shall be adjudged by the polling station commission.

#### Section 113

(1) Requests pursuant to Sections 103 (2) a), 250, 259 and 307/A shall be adjudged on the day of their receipt, or, if they arrive on a non-working day, they shall be adjudged on the next working day.

(2) Requests submitted pursuant to Section 103 (2) a) shall be adjudged on the second day before the voting at the latest, and requests submitted pursuant to Section 103 (2) b) shall be adjudged on their receipt without delay.

#### Section 114

The election office shall decide upon rejecting requests submitted pursuant to Section 103 (2) a), 250, 259 and 307/A by resolution.

#### 57 Voter information

#### Section 115

(1) The National Election Office shall notify voters who are enlisted in the polling district no later than 58 days before the voting shall be notified about their entry into the polling district electoral register.

(2) Notifications shall be sent to the voter's contact address, or, if there is no contact address, their address, no later than 48 days before the voting.

(3) The notification shall contain:

- a) the name of the election;
- b) the date of voting;
- c) the constituency;
- d) the polling district;
- e) the address of the polling station;
- f) information on whether the polling station is accessible;
- g) the name of the voter;
- h) the Hungarian address of the voter;
- i) the voters date of birth,
- j) the voters birth name
- k) information on the election.

(4) Voters – if they do not receive the notification or the notification is destroyed or lost – may request a new notification from the local election office.

#### Section 116

(1) Local election offices shall inform voters who were entered into the polling district electoral register of the settlement less than 58 days before the day of voting about their entry into the polling district electoral register by handing over or mailing a notification.

(2) If the election office approves a request submitted pursuant to Section 250, 259 or 307/A, it shall inform the voter by handing over or mailing a notification to that effect. Requesters shall be informed about other decisions by the election office related to registers pursuant to Section 95 (3).

#### Section 117

Voters who submitted a request pursuant to Section 88 a) shall be sent a notification in Braille transcription by the National Election Office.

#### Section 118

(1) Data of the settlements polling district electoral register is open for insight in the local election office to anyone in the timeframe from the announcement of the election to the closing of the electoral register except data according to annex 3 fb)-fe) and fg).

(2) Except for the printed sample distributed to the polling districts, no copies shall be made of the polling district electoral registers data content.

## Chapter VII

### Nomination of candidates

#### 58 Notification of the nominating organisation

##### Section 119

(1) Organisations that wish to put forward a candidate or a list shall be notified to the National Election Commission as a nominating organisation after the elections are called.

(2) Nominating organisations shall be notified by an authorised representative.

#### 59 Recommendation sheets

##### Section 120

(1) Support for candidates may be expressed on recommendation sheets.

(2) Recommendation sheets may be requested following the call for elections by voters who wish to become candidates and by nominating organisations from the election office operating alongside the election commission with competence to register the candidate.

(3) Requests for recommendation sheets shall contain the name of the prospective candidate, their personal identification number, or, failing that, the type and number of the document proving Hungarian citizenship, their address and a declaration stating that the candidate:

a) accepts the nomination;

b) has no function that is incompatible with being a representative, or will step down from any such positions if elected.

##### Section 121

(1) The election office shall indicate on the recommendation sheets: the name of the prospective candidate, the name of the nominating organisation or the fact that the prospective candidate is independent, and the constituency. In the case of joint candidates, the names of all nominating organisations putting forward the joint candidate shall be listed on the recommendation sheets.

(2) The election office shall hand over the recommendation sheets to the applicant without delay but no earlier than on the 48th day before the voting, in the requested quantity. The election office shall put a serial number and a stamp of authentication on each of the recommendation sheets.

## 60 Recommendations

### Section 122

(1) Voters who have the right to vote in the constituency in question at the elections may recommend candidates.

(2) The name of the recommending voter, their personal identification number, Hungarian address and their mother's name shall be entered on the recommendation sheet. Recommendation sheets shall be signed by the voter with his or her own hand.

(3) A voter may recommend more than one candidate.

(4) A voter may only recommend one candidate once; any further recommendations shall be invalid.

(5) Recommendations cannot be withdrawn.

(6) Recommendation sheets shall contain the name and signature of the person collecting the recommendations.

### Section 123

(1) Recommendations may be collected by representatives of the nominating organisation or by the voter who wishes to stand as a candidate anywhere without harassing citizens – with the exception set forth in (2).

(2) Recommendations shall not be collected:

a) at the workplace of the person collecting or providing the recommendation during working hours, or while one or the other 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 in the Hungarian Armed Forces or a central administration body at their service post or while they are performing their duty;

c) on means of public transport;

d) in the official premises of state, municipalities and national minority self-government bodies;

e) in higher education and public education institutions;

f) on the premises of healthcare providers.

(3) Advantages shall not be granted or promised to voters for providing a recommendation. Voters shall not ask for or accept an advantage or a promise of an advantage in return for providing a recommendation.

(4) Recommendations collected in breach of the rules shall be invalid.

## 61 Notification of candidates

### Section 124

(1) Candidates shall be notified to the competent election commission for registration.

(2) Voters who wish to stand as an independent candidate and nominating organisations that wish to put forward a candidate shall hand over all recommendation sheets they received to the election office by the deadline set for the notification of candidates. In case of a breach of this obligation, the competent election commission shall issue a fine, proceeding ex officio. The amount of the fine shall be 10 000 forints for every missing recommendation sheet.

(3) A fine shall not be issued on recommendation sheets handed over on the next after the deadline according to (2) in case the recommendation sheet is without any recommendations.

## 62 The verification of recommendations

### Section 125

(1) The election office shall verify recommendations.

(2) When verifying recommendations, the requirements listed in Section 122 shall be checked, the recommending voter shall be identified, their right to vote shall be verified and it shall be determined whether the number of valid recommendations reaches the required limit.

(3) The identification of the recommending voter and the determination of their right to vote shall be carried out by comparing the data indicated on the recommendation sheet with information in the central electoral register and the register of polling districts and constituencies.

#### Section 126

Recommendations shall be valid if:

- a) the recommending voter had the right to recommend a candidate in the constituency at any point between the 48th day before the voting and the day the recommendation sheet was submitted;
- b) the voter's data listed on the recommendation sheet fully match the data in the register of citizens' personal data and addresses;
- c) the recommendation meets the requirements listed in Section 122.

#### Section 127

(1) Recommendations shall be verified within three days of the notification of candidature.

(2) When it is determined that the number of valid recommendations has reached the number required for candidature, the itemized verification of recommendations need not continue.

(3) The election office shall inform the election commission with competence in registering the candidate of the result of the verification of recommendations.

#### Section 128

Recommendations sheets shall be destroyed by the competent election office on the working day following the ninetieth day after the voting.

#### 63 Notification of lists

#### Section 129

(1) The list notification shall contain, regarding all candidates on the list, the candidate's name, personal identification number, address, and a declaration that he or she

- a) accepts the nomination;

b) has no function that is incompatible with being a representative, or will step down from any such positions if elected.

(2) The number of candidates on the list may not be more than three times the number of mandates that may be won through the list. The order of candidates on the list shall be determined by the nominating organisation.

#### Section 130

(1) The order of candidates on the list shall not be modified after the notification.

(2) If any of the candidates is eliminated from the list, he or she shall be replaced with the candidate coming next on the list. No new candidates may be added to a list after the notification.

(3) Nominating organisations may revoke the list or the nomination of any candidate on the list up to the last day available for list notifications. Nominating organisations may not submit a new list to replace a revoked list.

#### Section 131

Legal statements regarding joint lists shall be made by the nominating organisations together.

### 64 Registration of nominating organisations, candidates and lists

#### Section 132

By the fourth day after notification at the latest, the competent election commission shall register every nominating organisation, candidate and list that meets the statutory requirements.

#### Section 133

(1) The election office shall verify the existence and correctness of data of notified organisations in the court records, and it shall verify the data of notified candidates in the central electoral register.

(2) The election commission shall refuse to register the nominating organisation, the candidate or the list if the notification fails to meet the statutory requirements.

## Section 134

The abbreviated name of the nominating organisation shall be the abbreviated name in the register of non-governmental organizations, or, if there is no such abbreviated name, an abbreviated name indicated during the notification by the nominating organisation, which shall not be the same as the full or abbreviated name of another organisation previously listed in the court register of non-governmental organisations or the register of nominating organisations, candidates and lists.

## 65 The register of nominating organisations, candidates and lists

## Section 135

(1) The National Election Office shall maintain authentic public records of notified and registered nominating organisations, candidates and lists in electronic format, with the data content described in Annex 4. Changes in the register shall be entered into the register by the election office operating alongside the election commission carrying out the addition or deletion.

(2) The candidates' data shall be continuously updated based on the data in the central electoral register. If a candidate loses the right to stand in the election, the election office shall indicate this fact to the election commission without delay with a view to deleting the candidate from the register.

## Section 136

The nominating organisations' data shall be continuously updated based on the data in the court records of non-governmental organizations. If a nominating organisation is removed from the court records of non-governmental organizations, the National Election Commission shall delete the nominating organisation from the register of nominating organisations.

## 66 Elimination of candidates

## Section 137

A candidate is eliminated if he or she relinquishes the nomination in writing before the start of voting, if he or she is deleted from the central electoral register, if he or she loses the right to stand in the election, or if the election commission deletes the candidate's nominating organisation from the register of nominating organisations, candidates and lists.

The names of eliminated candidates shall be deleted from the register of nominating organisations, candidates and lists and from single-member constituency ballot papers.

## 67 Elimination of lists

### Section 138

A list is eliminated if the nominating organisation revokes the list, if all candidates on the list are eliminated before the start of voting, or if the election commission deletes the candidate's nominating organisation from the register of nominating organisations, candidates and lists. The eliminated list shall be deleted from the register of nominating organisations, candidates and lists and from ballot papers.

## Chapter VIII

### Election campaigns

## 68 Campaign period and campaign methods

### Section 139

The election campaign period shall last from the 50th day before the voting until the end of voting on the voting day.

### Section 140

Campaign methods shall include all methods capable of influencing or used in an attempt to influence voters' choices, including especially:

- a) posters;
- b) direct contact by the nominating organisation or the candidate;
- c) political advertisements;
- d) election rallies.

### Section 141

The following shall be campaign activities: the use of campaign resources in the campaign period, and any other activity in the campaign period aimed at influencing or attempting to influence voters' choices.

## Section 142

The following shall not be considered election campaign: the activities of election bodies, and personal communication between citizens as private persons, regardless of its content and form.

## Section 143

No election campaign activities may be pursued in public areas within 150 metres of the designated building's entrance that's used to access the polling station.

## Section 143A

- (1) The voter is entitled to get help from another person to apply for a mobile ballot box or to get to the polling station.
- (2) No public announcements can be made about applying for mobile ballot boxes or transport to polling stations, furthermore using autobuses for (organized) transport to polling stations is not allowed.

## 69 Posters

## Section 144

(1) For the purposes of this Section, 'poster' shall mean election placards, legends, flyers, projected images and emblems regardless of size and the surface they are on.

(2) In the campaign period, nominating organisations and candidates may produce posters without express permission or notification.

(3) Posters, except for the cases defined in (4)-(7), may be placed in the campaign period without any limitation.

(4) Posters may not be placed on the walls of buildings and fences without the consent of the owner, the tenants, or, in the case of property owned by the state or the municipality, the consent of the entity that exercises trustee's rights.

(5) On certain public buildings or on specific parts of public domain, the placement of posters and billboards may be prohibited by the municipality, 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 municipality authorities.

(6) The rules on using public domain shall apply to the placement of self-standing advertising equipment serving the election campaign and billboards.

(7) Posters shall be placed in such a fashion that they do not cover the posters of other candidates or nominating organisations, and that they may be removed without causing any damage. Posters shall be removed within 30 days after the day of the vote or the costs of removal shall be borne by those who have placed them or those on behalf of whom they have been placed.

## 70 Election rallies

### Section 145

(1) Election rallies may be held during the campaign period. Election rallies shall not be held on the day of voting. Election rallies shall be public. The organiser of the rally shall arrange for the maintenance of order.

(2) For the purposes of the election campaign, state and municipality budgetary agencies shall make premises and other necessary equipment available to the nominating organisations under equal conditions. In buildings serving as premises for state or municipality authorities, it shall be prohibited to carry out campaign activities, hold rallies, except at settlements with less than five hundred inhabitants, provided that no other community building is available.

## 71 Political advertisements

### Section 146

For the purposes of this Chapter:

a) 'political advertisement' shall mean a political message in the media as defined in Section 203 (55) of Act CLXXXV of 2010 on Media Services and Mass Media (hereinafter: Media Act) with the difference, that party, political movement and Government shall be interpreted as nominating organisation and independent candidate.

b) 'political advertisement' shall mean any content published in the press or in a cinema in return for consideration, promoting or advocating support for a nominating organisation or independent candidate, or promoting the name, objectives, activities, slogan, or emblem of such entities.

## Section 147

(1) In the campaign period, political advertisements shall be broadcast by the media provider with identical conditions – especially with regard to the number, appearing order, timeframe and time of broadcast of political advertisements – offered to nominating organisations that put forward candidates and the independent candidates. In case of joint candidates the nominating organisations are entitled jointly to order political advertisement.

(2) No opinion, assessing explanation shall be attached to such political advertisements.

(3) Media content providers shall not demand or accept consideration for broadcasting political advertisements.

(3) In the 48 hours before the voting, public service media content providers shall not broadcast political advertisements.

(4) Those who provide political advertisements to be broadcast in audio-visual media shall arrange for the advertisements to be subtitled or supplemented with sign language interpreting.

(4a) No political advertisement shall be published on ballot day.

(5) In other regards, the rules of the Media Act shall apply to the broadcasting of political advertisements.

## Section 147/A

(1) During the campaign period before the general election of members of parliament, after the legally binding registration of national lists public media services shall broadcast in their linear media services political advertisements thereof in the order as determined by the National Election Commission according to (2).

(2) During the campaign period before the general election of members of parliament the timeframe for broadcasting political advertisement shall be 470 minutes for nominating organisations putting forward party lists and 130 minutes for organizations putting forward national minority lists. The time available to the nominating organizations shall be divided in equal proportions between party lists and national minority lists. Time available for nominating organizations shall be divided in equal proportions per public media service.

(3) Political advertisement shall be published by the public media provider in the media service with the the greatest yearly audience rate.

(4) The media provider shall broadcast 3 times per day without interruption the political advertisements in the timeframes between 6-8, 12-14 and 18-20 o'clock. Political

advertisement of nominating organisations putting forward party lists and organizations putting forward national minority lists shall be broadcasted in a row. The broadcast order of the political advertisements shall be changed daily for the sake of equal opportunity.

(5) The public media provider shall broadcast the political advertisement in the day and timeframe as requested by the nominating organization. The nominating organisation may request the broadcasting of political advertisement in one timeframe – for a duration of maximally one minute – only once per day.

(6) The media provider is only obliged to broadcast the political advertisement if the nominating organization hands over its political advertisement latest on the second day before the planned broadcast.

#### Section 147/B

Provisions of Section 147/A shall apply also for purposes of the election of members of the European Parliament, with the exception that available broadcast time regarding all lists and all public media providers shall be 300 minutes altogether.

#### Section 147/C

Provisions of Section 147/A shall apply also for purposes of the election of municipality representatives and mayors, with the exception that:

- a) political advertisements of those 8 nominating organisations shall be broadcast, that put forward the most candidates for municipality representative or mayor in countrywide comparison; joint candidates and lists shall be taken into consideration based on proportion of the nominations,
- b) available broadcast time regarding all lists and all public media providers shall be 300 minutes altogether.

#### Section 147/D

During the general elections of the national minority representatives on the day before ballot day public media providers shall broadcast the political advertisements of nominating organizations putting forward national lists one time, for a duration of 30 seconds per political advertisement. Provisions of Section 147/A (3) and (6) shall apply for the broadcasting.

#### Section 147/E

The public media provider is not allowed to broadcast any further political advertisement other than those according to 147/A-147/D.

#### Section 147/F

(1) In the campaign period before the general election media providers with country-wide available linear media services not falling under provisions of Section 147/A-147/E shall notify in a declaration the National Election Commission about their intention to broadcast political advertisements, also designating the used country-wide available linear media service/es/, latest by the 50th day before ballot day. Failing to comply with this deadline shall result in not being allowed to broadcast political advertisements. The National Election Office shall publish on its official website the declarations of the concerned media providers, their name and the timeframe secured for the broadcast.

(2) During general elections to the parliament, elections to the European Parliament, provisions of Section 147/A-147/E shall apply with the exception of 147/A (3) adding that:

- a) the media provider shall determine the timeframe available per media service for broadcasting political advertisements, but the timeframe shall not be less than half of the timeframe per public media provider,
- b) the media provider shall indicate in the declaration according to (1) also the timeframe according to a)
- c) if the timeframe according to a) diverges from the timeframe per public media provider, the National Election Commission shall proportionally lower or increase the timeframe for each nominating organization.

#### Section 148

(1) In press products defined in Section 203 (60) of the Media Act, political advertisements may be published during the campaign period in accordance with the rules laid down in this Section. Political advertisements published in the press shall be immediately recognizable and distinct from other media content.

(2) If a press product wishes to publish political advertisements, it shall send to the National Audit Office a price list for its advertisement services within five working days after the call for elections. The National Audit Office shall enter the price list into its records and publish it on its website. The press product shall publish the same price list on its own website.

(3) Political advertisements shall only be published by press products which have had their price lists registered with the National Audit Office. Political advertisements shall only be published in return for the consideration indicated in the registered price list. The media outlets of publishers established in Hungary shall only publish political advertisements if they are listed in the official register kept pursuant to the Media Act.

(4) The press products defined in (1) shall inform the National Audit Office of published political advertisements within 15 days after the day of voting. This information shall contain a list of advertisements published for each candidate and nominating organisation, the customer who ordered the advertisement, the consideration paid, the time of publication and the volume. The National Audit Office shall publish this information on its website.

## 72 Direct political campaigning

### Section 149

Election campaign materials may be delivered to voters by direct contact in accordance with the provisions of Section 89, with the restriction that the use of voters' other personal data – such as mobile phone numbers, e-mail addresses – shall require express consent.

## 73 Opinion polls

### Section 150

On the day of voting, persons carrying out opinion poll surveys shall not enter the buildings where polling stations are located, and shall not in any way harass voters; they may only contact voters as they are exiting the polling station. The results of such opinion polls (exit polls) shall only be published after the end of voting as well.

## 74 Legal remedy regarding the participation of the media in the campaign

### Section 151

(1) Complaints submitted regarding the participation of media content providers, the press and cinemas – violations of the provisions of this Act – shall be adjudged by the National Election Commission. Complaints regarding regional and local press products and

press products distributed via on-demand media services or distributed in an area smaller than the whole country shall be adjudged: in case of elections of members of Parliament and of members of the European Parliament by the parliamentary single-member constituency election commission at the seat or address of the media content provider; in the case of elections of municipality representatives and mayors and elections of national minority self-government representatives, by the territorial election commission at the seat or address of the media content provider.

(2) The complainant shall identify, or, if possible, attach the show or media content that proves the violation of the law. The indicated show – if it was not attached by the complainant – shall be acquired ex officio by the competent election commission as defined in (1).

## Section 152

(1) If the election commission grants the objection, it shall apply the legal consequence described in Section 218 (2) a)-c), and oblige the media content provider to publish the operative part of its resolution:

a) in the case of daily newspapers, Internet press products and on demand media services, within three days of the communication of the resolution, in a manner similar to the publication that constituted the breach;

b) in the case of periodicals, in the next issue, in a manner similar to the publication that constituted the breach;

c) in the case of linear media services, within three days of the communication of the resolution, in a manner similar to the publication that constituted the breach and at the same time of day.

(2) In addition to the measures described in (1), the election commission may also issue a fine. In deciding whether a fine is called for and in determining the fine amount, all circumstances of the case – and especially the type and broadcast coverage of the media content provider in question, the characteristics of the press product involved, the gravity of the violation and its recurrence – shall be taken into account. The fine amount shall also depend on whether the violation was evidently intentional.

(3) The highest fine amount shall be fifty times the monthly minimum wage.

## Section 153

The name and address of voters in the polling district electoral register – while observing the provisions of Section 89 – shall be supplied within five days, but not before registration pursuant to Section 132

a) on request to the candidate by the election office operating alongside the election commission with competence in registering the candidate, covering the constituency in question;

b) on request to the nominating organisation putting forward a list by the National Election Office, covering the constituencies indicated by the nominating organisation.

## Section 154

(1) The supply of data pursuant to Section 153 a) shall be conditional on the candidate providing proof of the payment of the amount of the monthly minimum wage as a data supply fee to the account of the National Election Office.

(2) The supply of data pursuant to Section 153 b) shall be conditional on the nominating organisation putting forward the list providing proof of the payment of the amount of the monthly minimum wage per candidate standing for election in the constituency covered by the list as a data supply fee to the account of the National Election Office.

## Section 155

(1) The data supplied shall only be used for direct political campaigning. Other use, copying and handing over to third parties shall be forbidden.

(2) Candidates and nominating organisations putting forward a list registered pursuant to Section 132 shall destroy the supplied data on the day of voting at the latest, and it shall deliver a record of the destruction to the election office that supplied the data within three days.

## Chapter IX

### Preparation of voting

#### 76 The content of the ballot paper

## Section 156

The content of single-member constituency ballot papers is regulated by Annex 5, while the content of list ballot papers is regulated by Annex 6.

#### Section 157

(1) If there are two or more voters with the same name listed as candidates on an single-member constituency ballot paper, the candidates shall be differentiated by printing their year of birth in parentheses after their name. If there are two candidates with the same name, both put forward by the same nominating organisation or both independent, and they were both born in the same year, the candidates shall be differentiated by indicating

a) the settlement where their address is, or, if that is identical as well;

b) their profession;

after their name in parentheses on the ballot papers.

(2) In the case described in (1) b), the candidates involved shall indicate their profession within three days of being called upon by the election office so that it can be printed on the ballot papers.

#### Section 158

(1) In the case of joint candidates and joint lists, the ballot paper shall include the names of all nominating organisations involved in putting forward the candidate or list.

(2) Ballot papers shall reproduce the abbreviated name of the nominating organisation and its greyscale logo, if this is requested by the nominating organisation before the data content of the ballot paper is approved.

#### Section 159

(1) Candidates with more than one given name may request that only one given name be printed on ballot papers.

(2) Candidates may request 'dr.' titles to be omitted from ballot papers.

(3) Ballot papers shall reproduce both given names of the candidate and/or their 'dr.' title, despite the request in (1) and (2) above, if omitting them would cause more than one candidate with the same name to be printed on the single-member constituency ballot paper.

## Section 160

(1) Candidates and lists shall be printed on ballot papers in the order determined by the election commission by drawing lots.

(2) The election commission shall draw lots to determine the order of notified candidates and lists – with the exception of candidates and lists the registration of which was rejected with final effect – on the day of the deadline for notifying candidates and lists, after 16:00.

(3) If a candidate or list is not registered or is removed from the register after the drawing, the relative order of candidates and lists on the ballot paper shall not change. Candidates and lists shall be indicated on ballot papers with a running serial number.

## Section 161

(1) The data of candidates and nominating organisations shall be printed on ballot papers in capital letters, using the same font and the same font size.

(2) The logos of nominating organisations shall be placed in an area 20 mm tall and 40 mm wide.

(3) If the nominating organisations backing a joint candidate or joint list request that several logos be printed on the ballot papers, they shall all be placed in a total area 20 mm tall and 40 mm wide.

## 78 Approving the content of ballot papers

### Section 162

(1) The content of ballot papers shall be approved by the election commission after a decision has been reached regarding the registration of all notified candidates and lists.

(2) If the content of the ballot papers changes after approval – due to a decision on a legal remedy or a removal from the register – no new approval by the election commission shall be necessary; the election commission shall make sure the ballot papers are updated and it shall inform nominating organisations and independent candidates about the changes.

## 79 Manufacturing ballot papers

### Section 163

(1) Manufacturing ballot papers shall be the responsibility of the National Election Office.

(2) Ballot papers shall contain a security feature that can be checked at the polling station.

#### 80 Delivery of documents and equipment needed on the day of voting

##### Section 164

(1) On the day before the voting, the local election office shall hand over to the chairman of the polling station commission the polling district electoral register, the register of voters requesting mobile voting, the ballot papers and other equipment necessary for voting.

(2) Until the day of voting, the local election office shall be responsible for the safekeeping of documents and other equipment.

#### 81 Layout of polling stations

##### Section 165

(1) Polling stations shall be arranged so that:

- a) they are easily accessible to voters;
- b) voters can exercise their right to vote without any undue influence;
- c) the polling station commission can operate undisturbed.

(2) Polling stations may not be located in a building that is – in part or wholly – used by a candidate or a nominating organisation.

##### Section 166

At least one polling station in each constituency of each settlement shall provide disabled access.

##### Section 167

(1) Polling stations shall be equipped by the local election office.

(2) In order to ensure the secrecy of the voting, polling booths shall be set up in polling stations. There shall be enough polling booths to ensure smooth voting, but no less than two.

(3) There shall be at least two ballot boxes in polling stations, and at least one mobile ballot box shall be provided.

(4) Properly fixed pens shall be placed in the polling station and the polling booths for the ballot-counting commission and the voters.

(5) In polling stations where the polling district electoral register contains voters who requested assistance pursuant to Section 88 c), a Braille voting template shall be provided.

## Chapter X

### Voting

#### 82 The place of voting

##### Section 168

Voters may vote in the polling district of their address

- a) at a polling station; or
- b) by mobile voting.

#### 83 Voting schedule

##### Section 169

Votes can be cast at polling stations from 6:00 to 19:00 on the day of voting.

#### 84 Voting at polling stations

##### Section 170

Polling stations shall not be closed during the time of voting, and voting shall not be extended or suspended – except for cases of extraordinary events that endanger the freedom or the secrecy of the voting or threaten to make voting impossible.

##### Section 171

(1) If the number of members participating in the work of a polling station commission – or, in the case of a settlement with a single polling district, the local election commission – is less than five, the head of the local election office shall supplement the commission using the alternate members. If the commission can not be supplemented in this manner, the territorial election office shall order alternate members of another settlement's polling station commission to join the commission.

(2) If the number of polling station commission members present at the polling station falls below three on the day of voting, or voting becomes impossible due to an event that endangers the freedom or the secrecy of the voting or threatens to make conducting the voting impossible, the polling station commission members present shall immediately suspend voting, seal the ballot boxes and documents and immediately inform the head of the local election office about the suspension with a view to ensuring the legal continuation of the voting.

#### Section 172

(1) The members of the ballot-counting commission shall use no other than the pen officially placed in the polling station.

(2) During the time of voting, the members of the ballot-counting commission 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 described in (1).

#### Section 173

(1) After the placement of the election documents and other equipment, only the members of the polling station commission and the election office and international observers may be present in polling stations until the start of voting.

(2) From the start of voting to the closing of voting, only polling station commission members, record keepers, media content provider representatives and international observers may be present in polling stations.

(3) Voters – and assistants pursuant to Section 181 (1) – may be present in the polling station for the time required for exercising the right to vote.

#### Section 174

(1) Before the start of the vote, the polling station commission shall verify the condition of ballot boxes and the fact that they are empty, together with the first voter. The first voter shall not be a member of the polling station commission or the record keeper.

(2) The ballot boxes shall be sealed, in the presence of the voter who is the first to cast his or her vote, in such fashion that no ballot could be removed from them without taking them apart.

(3) Following this, the polling station commission members present and the first voter shall sign the polling district's official record to certify that the ballot boxes were empty when they were sealed and that they were sealed in accordance with the rules.

(4) The polling station commission shall place a review sheet in the mobile ballot box, which shall contain the time and date of inserting the review sheet and the signatures of the members of the polling station commission present and the first voter.

#### Section 175

Only voters who are on the printed polling district electoral register shall be allowed to vote at the polling station.

#### Section 176

Voters shall provide proof of their identity and address or personal identification number. The polling station commission shall verify if the citizen is on the printed polling district electoral register.

#### Section 177

(1) The polling station commission shall refuse voters who

- a) are unable to provide proof of their identity and address or personal identification number;

- b) are not on the printed polling district electoral register;

- c) have already voted;

- d) refuse to certify having received the ballot paper pursuant to Section 179.

(2) The record keeper shall keep a separate list of refused voters. Refusals shall not require a resolution by the polling station commission.

#### Section 178

(1) If there is no reason to prevent voting, the polling station commission shall hand over the ballot paper to the voter based on the polling district electoral register, with a stamp placed in the top left corner in the voter's presence, and hand over the envelope for the ballot paper.

(2) The polling station commission shall, when necessary, explain the process of voting without influencing the voter.

(3) When a candidate or list is eliminated after the ballot papers have been produced but before the day of voting, the polling station commission shall inform voters about this fact on a public notice placed in the polling station, and, when necessary, orally. The name of the eliminated candidate or list shall be crossed out on the ballot paper.

#### Section 179

(1) Receipt of the ballot paper shall be verified by voters by signing the printed polling district electoral register with their own hand.

(2) If the voter cannot write, the register shall be signed by two members of the polling station commission and this fact shall be noted in the register.

#### Section 180

(1) There shall be polling booths at the voters' disposal for filling in the ballot paper. The polling station commission shall advise voters to use the polling booth, but this shall not be obligatory.

(2) Only the voting voter may be inside the polling booth when filling in the ballot paper – except for cases defined in Section 181 (1).

(3) While in the polling station, voters shall not prevent other voters in exercising their right to secret voting in any way.

#### Section 181

(1) Voters who cannot read or are prevented from voting by a physical handicap or any other cause may use the assistance of a person of their choice – or, for lack of such assistants, the joint assistance of two members of the polling station commission.

(2) In polling districts pursuant to Section 167 (5), visually impaired voters may use Braille voting templates to facilitate voting. The polling station commission shall place the voter's ballot paper in the template before handing it over to the voter. After voting, the voter

shall remove the ballot paper from the template, place it in the ballot box and hand the voting template back to the polling station commission.

#### Section 182

(1) The voter may place the ballot paper in the envelope, and place it in the ballot box.

(2) If a voter indicates to the polling station commission before placing their ballot paper in the ballot box that they made a mistake when filling it in, the ballot paper shall be taken back by the polling station commission and placed in a separate envelope kept for this purpose, and a new ballot paper shall be issued to the voter. The polling station commission may only replace ballot papers in this manner once for each voter and for each type of ballot paper.

#### Section 183

Voters standing in queue at 19:00 shall be allowed to vote. After that, the polling station commission shall close the voting.

#### 85 Mobile voting

#### Section 184

(1) Mobile ballot boxes shall be carried to voters who are on the register of voters requesting mobile voting within the area of the polling district.

(2) In order to allow for replacing any mistakenly filled in ballot papers, the two members of the polling station commission shall carry with them up to ten more ballot papers than the number of voters.

(3) Ballot papers to be used for mobile voting shall be stamped in advance by the polling station commission at the polling station.

(4) Pre-stamped ballot papers not used during the mobile voting shall be made unusable by members of the polling station commission on their return to the polling station, and packed separately.

(5) Mobile voting shall be organised in such a way that members of the polling station commission arrive back at the polling station by 19:00 with the mobile ballot box.

#### Section 185

(1) The provisions of Sections 175-182 shall be applied to mobile voting mutatis mutandis, but the register of voters requesting mobile voting shall be used instead of the register.

(2) Instead of the polling booth, circumstances guaranteeing a secret ballot shall be provided to voters.

## 86 The process of voting

### Section 186

(1) Valid votes may only be cast on candidates or lists on the official ballot paper.

(2) Valid votes may only be cast by drawing two intersecting lines in the circle beside the candidate's name or above the list's name, using a pen.

## Chapter XI

### Determining the result

## 87 The public nature of ballot counting

### Section 187

During the counting of ballots, only polling station commission members, record keepers, media content provider representatives and international observers may be present in polling stations.

## 88 Counting the ballots

### Section 188

Ballots cast in the polling station and using mobile voting shall be counted by the polling station commission immediately after the closing of voting.

### Section 189

First, the polling station commission shall count unused and mistakenly filled-in ballot papers, and package them separately.

## Section 190

The polling station commission shall determine the number of voters participating in the voting based on the polling district electoral register and the register of voters requesting mobile voting.

## Section 191

(1) Before opening a ballot box, the polling station commission shall verify that it is intact.

(2) If no review sheet is found in a mobile ballot box, all ballot papers in the mobile ballot box shall be invalid. In such cases, ballot papers shall be counted and packed separately.

## Section 192

The polling station commission shall mix the ballot papers – that are not invalid pursuant to Section 191 – from ballot boxes and mobile ballot boxes, then count them.

## Section 193

(1) A ballot paper shall be invalid if

- a) it bears no official stamp;
- b) it contains more votes than specified by law; or
- c) it contains no valid vote.

(2) A vote shall be invalid if

- a) it was not submitted in accordance with Section 186 (2);
- b) it was cast on an eliminated candidate or list.

(3) The validity of votes that meet other requirements shall not be affected by additional invalid votes as defined in (2), or by comments written on the ballot paper, such as changing the order of candidates or lists, crossing out the candidate's or list's name or adding names or lists.

## Section 194

The polling station commission shall group invalid ballot papers separately and count them. The cause of invalidity shall be written on the back of the ballot paper, which shall be signed by the members of the polling station commission present. The polling station commission shall package invalid ballot papers separately.

#### Section 195

Valid votes shall be counted separately for each candidate or list, and then the ballots shall be packed. The number of valid votes per candidate and list shall be written on the package.

#### Section 196

Ballot papers/votes shall be counted at least twice. Counting shall be repeated until the result is identical with one of the previous results.

#### Section 197

If the number of ballot papers in the ballot box with an official stamp is higher than the number of voters who participated in the election, the polling station commission shall destroy as many votes per candidate and list as the number of surplus votes.

#### Section 198

The packages containing ballot papers shall be sealed in such a way that ballot papers cannot be removed or added without damaging the packaging. The serial number of the polling district and the number of ballot papers included in the package shall be written on the package. The package shall be authenticated by the signature of the polling station commission members present and a stamp.

#### 89 Determining the results in the polling district

#### Section 199

After having counted the ballots, the polling station commission shall determine the polling district results of the election.

#### 90 Determining the results of the elections

#### Section 200

The election commission shall determine the results of the elections.

#### Section 201

When determining the result of list voting, the order of lists shall be followed as set up in accordance with the result of the drawing of lots carried out pursuant to Section 160 (1).

## 91 Records

### Section 202

(1) Records shall be drawn up on the results in the polling district and the results of the elections.

(2) The record shall be made in two copies, which must be signed by the polling station commission members present.

(3) The record keeper of the polling station commission shall forward the content of the polling district records immediately after the records are prepared to the local election office, which shall enter the data in the vote-tallying IT system.

(4) The chairman of the competent election commission shall hand over a copy of the record to each of the appointed members of the election commission – on their request, at the polling station, without delay and free of charge. After copying, the chairman of the election commission shall authenticate the copy with a stamp and his signature.

### Section 203

(1) The polling station commission shall – without delay following the end of ballot counting and the preparation of record – transport the record, election documents, forms and ballots to the local election office, which shall enter the contents of the polling district records in the IT system tallying the votes.

(2) After the end of voting, the election offices shall publish the informative data containing the unauthenticated results of the election.

### Section 204

A copy of the record may be inspected at the relevant election office for three days following the day of voting.

### Section 205

(1) The ballot papers shall be placed at the local election office, and shall be retained for 90 days in such a fashion that unauthorised persons cannot have access to them. In the

event of any criminal procedures regarding the results of the election, the relevant ballot papers shall be retained until the case has been settled with final force.

(2) On the working day after the ninetieth day after the day of voting, election documents – with the exception of the record – shall be destroyed. After 90 days have passed, the first copy of the record shall be delivered to the National Archives of Hungary.

## 92 Letters of appointment

### Section 206

The election commission that determined the result of the elections shall hand over the letter of appointment to the elected representative within three days after the election results becoming final. The election commission may transfer this power to the chairman of the election commission.

## 93 Registration of representatives

### Section 207

(1) The National Election Office shall keep records on elected representatives.

(2) The election office operating alongside the election commission handing over the letter of appointment shall update the records with the changes made between general elections.

(3) The National Election Office shall continuously monitor the right of representatives to vote based on the central electoral register, and it shall immediately inform the election commission that handed over the letter of appointment of the loss of the right to vote.

## 93/A Filling Vacant List Mandates

### Section 207/A

If a candidate elected through a list is eliminated, the nominating organisation may notify the election commission of a candidate obtaining the seat to replace the eliminated candidate within 30 days from the seat becoming vacant.

## Chapter XII

## Legal remedies

### 94 Submitting objections

#### Section 208

Objections may be submitted by voters listed in the central electoral register, candidates, nominating organisations and natural and legal persons and associations without a legal personality affected by the case, referencing a breach of a legal regulation pertaining to the election or the fundamental principles of election and election procedure (hereinafter: legal violation).

#### Section 209

(1) Objections shall be submitted so that they are received by the election commission with scope and competence in adjudging them on the third day after the legal violation at the latest.

(2) In the case of an on-going activity, the objection may be submitted during the entire period of the existence of the activity found injurious. The deadline for the legal remedy shall be calculated not from the start of the activity found injurious, but from the last point in time when the situation found injurious still existed.

#### Section 210

(1) Adjudging objections related to the activities of an election office shall fall within the competence of the election commission alongside which the election office in question operates.

(2) If there is no election commission as described in (1) at the elections in question, the objection shall be adjudged by the election commission alongside which the superior election office of the election office in question operates.

#### Section 211

Objections may be submitted regarding the activities and decisions of the polling station commission – except for the decision establishing the polling district results.

#### Section 212

(1) Objections shall be submitted in writing – in person, by mail, fax or e-mail.

(2) Objections shall include:

a) a description of the legal violation;  
b) proof of the legal violation;  
c) the name and address (seat) of the submitter, and – if it differs from the address (seat) – their postal contact address.

d) the personal identification number of the submitter, or, in the case of a voter who lives abroad and has no Hungarian address or personal identification number, the type and number of the document proving Hungarian citizenship, or, in the case of a nominating organisation or other organisation, the court registration number.

(3) Objections may contain the submitter's fax number or e-mail address, or the name and fax number or e-mail address of the submitter's agent for service of process.

## 95 Receipt of objections

### Section 213

(1) If the election commission deems that it is not competent and within its scope to adjudge a complaint, the election commission shall refer the case – on the day following the date of receipt at the latest – to the election commission having scope and competence in adjudging it. Such decision must be entered in the records. Election commissions shall proceed in cases referred to them.

(2) The election commission may assign its powers pursuant to (1) to the chairman of the commission by a decision entered in the records.

(3) If the election commission or its chairman does not refer a case to another election commission, the election commission shall be obliged to proceed in the case.

(4) If the objection is referred to another commission, the deadline for submitting the objection shall be calculated from the date when it was received by the first election commission.

## 96 Adjudging objections

### Section 214

(1) The election commission shall adjudge objections within three days of receipt – or, in case of referred objections, within three days of receipt by the election commission with competence in the matter.

(2) The National Election Commission shall adjudge objections regarding to violation of campaign rules on the day of general elections latest within 5 days of receipt.

#### Section 215

An objection shall be rejected without an examination of the merits if

a) it was not submitted by a submitter entitled to submit objections pursuant to

Section 208;

b) it was submitted late;

c) it lacks the contents required by Section 212 (2); or

d) no election commission has competence in adjudging it.

#### Section 216

Objections may be withdrawn until the adoption of the election commission's resolution; however, the election commission may continue to proceed ex officio.

#### Section 217

(1) Election commissions may order the merging of on-going related cases for joint review and adjudication.

(2) If a new objection is submitted to an election commission regarding an issue that had already been adjudged as to its substance, and the new objection does not contain evidence that has not yet been evaluated by the election commission, the chairman of the election commission shall send the submitter a copy of the previous resolution of the election commission – with all personal data removed – and inform the election commission of this at the next meeting.

(3) The election commission shall acknowledge the information by the chair via a decision set out in the records, or – if the conditions described in (2) do not apply – it shall issue a resolution as to the substance of the case.

#### Section 218

(1) The election commission shall adjudge objections based on the available information.

(2) If the election commission sustains the objection, it shall

a) establish the fact of the legal violation;

- b) order the violator to cease the violation;
- c) destroy the election procedure or the part thereof affected by the legal violation and order it to be repeated;
- d) have the power to issue a fine in case of violations of the rules of election campaigns and violations of the obligations described in Sections 124 (2) and 155.

#### Section 219

(1) In deciding whether issuing a fine is called for, and in determining the fine amount, the election commission shall consider all circumstances of the case – especially the number of people affected by the legal violation and the gravity, geographical extent and the recurrence of the violation. The fine amount shall also depend on whether the violation was evidently intentional.

(2) In case of natural persons, the maximum fine amount shall be five times the monthly minimum wage; in other cases, the maximum fine amount shall be fifteen times the monthly minimum wage.

(3) Any fines that are not paid within fifteen days of the resolution issuing the fine becoming final shall be designated public debt enforced as taxes, to be collected by the state tax authority when contacted by the National Election Office.

#### Section 220

If the election commission does not sustain an objection, it shall dismiss it.

#### 97 Appeals

#### Section 221

(1) Voters listed in the central electoral register, candidates, nominating organisations and other natural and legal persons and associations without a legal personality affected by the case may appeal the first instance resolutions of the election commission.

(2) Appeals shall not lie against duly recorded decisions, resolutions made by an election commission proceeding at the second instance and against resolutions issued by the National Election Commission.

## 98 Judicial review

### Section 222

(1) Natural and legal persons and associations without a legal personality affected by the case may request the judicial review of second instance resolutions of election commissions and resolutions of the National Election Commission.

(2) Judicial review shall not be conducted unless the right of appeal in the election procedure has been exhausted, or appeals are excluded pursuant to the provisions of this law.

(3) No judicial review shall lie against duly recorded decisions.

## 99 Submitting appeals and requests for judicial review

### Section 223

(1) Appeals may be submitted in person, by mail, by fax or by e-mail, while requests for judicial review may be submitted in person, by mail or as an electronic document signed by the submitter's legal representative with a certified electronic signature or, in the cases defined in Section 224 (5), by the submitter. If a request for judicial review is submitted as an electronic document, its annexes shall be converted to authentic electronic instruments by the submitter in the form of true and faithful copies.

(2) The election commissions that proceeded in a case – and members of such commissions – may not submit appeals and requests for judicial review.

(3) Appeals and requests for judicial review may be submitted

a) arguing a legal violation; or

b) against the resolutions of an election commission made using discretionary powers of judgement.

### Section 224

(1) Appeals and requests for judicial review shall be submitted to the election commission that issued the challenged resolution.

(2) Appeals and requests for judicial review shall be submitted so that they are received by the election commission defined in (1) on or before the third day after the adoption of the contested resolution.

(3) Appeals and requests for judicial review shall contain

a) the grounds pursuant to Section 223 (3);

b) the name and address (seat) of the submitter, and – if it differs from the address (seat) – their postal contact address;

c) the personal identification number of the submitter, or, in the case of a voter who lives abroad and has no Hungarian address or personal identification number, the type and number of the document proving Hungarian citizenship, or, in the case of a nominating organisation or other organisation, the court registration number.

(4) Appeals and requests for judicial review may contain the submitter's fax number or e-mail address or the name and fax number or e-mail address of the submitter's agent for service of process.

(5) In the judicial review procedures, representation by counsel shall be compulsory. Law graduates who have passed the bar examination may proceed in their own cases without representation by counsel, after submitting a non-certified copy of their bar examination certificate.

#### Section 225

Appeals and requests for judicial review may contain new facts or new evidence.

#### Section 226

Appeals and the entire case file shall be referred by the election office on the day they are received to the election commission with competence in adjudging the case.

#### Section 227

(1) The requests for judicial review and the entire case file shall be referred by the election office by 09:00 on the day following the day they are received to the court with competence in adjudging the case.

(2)

100 Adjudication of appeals, requests for judicial review and constitutional complaints related to elections

#### Section 228

(1) Appeals shall be adjudged by the election commission with competence in adjudging them within three days from receipt.

(2) Applications for judicial review shall be adjudged by the court within three days from receipt. The provisions of the Act on the Code of Civil Procedure regarding public administration lawsuits shall be applied in judicial proceedings *mutatis mutandis*, subject to the exceptions set out in this Act.

#### Section 229

(1) Requests for judicial review shall be adjudged by the regional court of appeal with territorial competence at the seat of the election commission that issued the resolution of second instance. Requests for judicial review against resolutions of the National Election Commission shall be adjudged by the Curia.

(2) The court shall decide upon applications for judicial review in out-of-court proceedings, in a council consisting of three professional judges.

#### Section 230

Appeals and requests for judicial review may be revoked until the election commission or the court issues its decision; however, the election commission may continue the appeal procedure *ex officio*.

#### Section 231

(1) Appeals and requests for judicial review shall be rejected without substantive examination if:

- a) they were not submitted by a person listed in Section 221 (1) or 222 (1);
- b) they were submitted late;
- c) they were not submitted to the election commission specified in Section 224 (1); or
- d) they do not contain the items specified in Section 224 (3).

(2) Requests for judicial review submitted by violating the provisions of Section 224 (5) shall also be rejected without substantive examination.

(3) An appeal shall not be rejected if a party entitled to submit an appeal submitted it to the election commission within the specified deadline, and a request for judicial review shall not be rejected if a party entitled to submit a request for judicial review submitted it to the court with competence in the matter within the specified deadline. In such cases, the election office operating alongside the election commission with competence in the matter or the court shall make arrangements to acquire the necessary documents without delay.

(4) Based on the appeal, the election commission entitled to adjudge it shall examine the resolution found injurious and the procedure preceding it.

(5) The election commission or the court shall make one of two decisions regarding the challenged resolution:

- a) uphold it; or
- b) alter it.

#### Section 232

(1) The resolution adopted in the appellate procedure shall be communicated by the election commission that proceeded in the second instance to the appellant and those to whom the resolution of the first instance had been communicated.

(2) The election commission, when acting in a procedure of second instance and after its resolution became final, shall send back the documents sent to aid in adjudicating the appeal, along with the resolution, to the election commission that proceeded in the first instance.

(3) The decision adopted in the course of the judicial review shall be communicated by the court to the submitter of the request and those to whom the resolution of second instance had been communicated.

(4) Except for personal data, the court shall publish its decision.

(5) No further legal remedy shall be available with regard to court decisions.

(6) The court shall send back to the election commission that issued the reviewed resolution the documents sent to aid in adjudicating the request for judicial review – together with the court's decision after the passing of the deadline available for constitutional complaints or in case a constitutional complaint has been filed, after it has been returned from the Constitutional Court.

#### Section 233

(1) Constitutional complaints challenging court rulings issued on the basis on this Act in proceedings for legal remedy regarding the resolution of an election body can be submitted to the Constitutional Court within three days from the publishing of the contested resolution.

(2) The Constitutional Court shall decide on the admissibility of constitutional complaints challenging court rulings issued on the basis on this Act in proceedings for legal remedy regarding the resolution of an election body in accordance with Section 56 of Act CLI of 2011 on the Constitutional Court within three working days of receipt, and it shall adjudge constitutional complaints deemed admissible within another three working days.

(3) During constitutional complaint proceedings challenging court rulings issued on the basis on this Act in proceedings for legal remedy regarding the resolution of an election body Section 30 (2), (3) and (5), Section 55 (3), Section 57 (1)-(7), Section 58 (1) and Section 60 of Act CLI of 2011 on the Constitutional Court shall not be applicable.

## 101 Legal remedy regarding the layout and review of polling districts

### Section 234

(1) Appeals challenging resolutions by the head of a local election office regarding the drawing up and review of polling districts may be submitted to the head of the local election office within the period of publication.

(2) The head of the local election office shall refer the appeal to the head of the territorial election office, who shall adjudge it within three days and either modify the layout of polling districts or reject the appeal.

(3) No further legal remedy shall be available with regard to the resolution of the head of the territorial election office.

## 102 Legal remedy regarding the electoral register

### Section 235

(1) Appeals against decisions by local election offices on requests regarding the central electoral register shall be submitted no later than the fifteenth day following the receipt of the notification, or, in case of electronic or fax notification, the fifteenth day following the sending of the notification.

(2) Appeals against a decision by a local election office on a request regarding the polling district electoral register shall be submitted no later than the third day following the receipt of the notification, or, in case of electronic or fax notification, no later than the third day following the sending of the notification, but no later than on the second day before the day of voting.

### Section 236

(1) Appeals regarding the electoral register shall be submitted to the head of the local election office.

(2) The head of the local election office shall adjudge the appeal on the fifteenth day after its receipt at the latest, or, in the case of a decision made after the calling of the election, on the day after its receipt at the latest.

(3) If the head of the local election office grants an appeal, he or she shall modify the register.

(4) If the head of the local election office does not sustain an appeal, he or she shall refer it to the district court on the last day available for adjudication at the latest.

(5) The court shall adjudicate appeals on the fifteenth day after receipt at the latest, or, in the case of decisions made after the calling of the election, within three days of receipt but no later than the day before the day of voting. Representation by counsel shall not be compulsory in judicial proceedings. The court shall act as a single judge.

(6) If the court finds the appeal well-founded, it shall order the register to be modified; otherwise, it shall reject the appeal.

(7) Appeals regarding the decisions of the National Election Office on requests regarding the central electoral register shall be submitted to the President of the National Election Office. Section 235 (1) and (2)-(6) shall apply to submitting and adjudging such appeals. If the President of the National Election Office does not grant the appeal, it shall be adjudged by the Budapest Metropolitan Court.

#### Section 237

Appeals that were submitted based on facts that contradict the records of citizens' personal data and addresses, the register associated with the document proving the voter's Hungarian citizenship or the register of disfranchised citizens shall be dismissed.

#### Section 238

Decisions of the head of the election office shall be communicated to the person concerned and the person who submitted the appeal; court decisions shall be communicated to the same persons and the head of election office or municipal clerk who issued the challenged resolution.

103 Legal remedy regarding the drawing of lots to determine the order of candidates and lists

#### Section 239

Separate legal remedy shall not be available regarding the drawing of lots carried out pursuant to Section 160. Legal remedy regarding the legality of the drawing of lots may be sought as part of a request for a judicial review of the approval of the content of ballot papers.

#### 104 Request for judicial review of the approval of the content of ballot papers

##### Section 240

(1) No appeal shall lie against resolutions of the election commission regarding the approval of the content of ballot papers.

(2) Requests for judicial review of resolutions of the election commission regarding the approval of the content of ballot papers shall be submitted so that they reach the election commission that issued the challenged resolution on the day after the election commission's resolution is issued at the latest. Requests for judicial review shall be adjudged by the regional court of appeal of the area where the seat of the election commission is located, or, in the case of the National Election Commission, by the Curia. The court shall adjudge request no later than the day after it is submitted.

#### 105 Legal remedy regarding election results

##### Section 241

(1) Appeals against the decision of a polling station commission determining the polling district results shall lie only together with an appeal against the decision of the election commission determining the election results.

(2) Appeals against the decision of the election commission determining the election results may be submitted with reference to

a) the illegality of the decision by the polling station commission in determining the polling district results; or

b) a violation of the rules of tallying polling district results and determining the election results.

(3) If an appeal submitted pursuant to (2) a) can only be adjudged based on a recount of the votes, the election commission adjudging the appeal or the court adjudging the request for judicial review shall recount the votes. If votes are recounted, the term available for adjudging the appeal or the request for judicial review shall be extended to six days, and the election commission or the court may use the contribution of the members of election offices.

(4) After the polling station commission has determined the polling district results, the votes may only be recounted pursuant to (3).

106 Legal remedy regarding the inaction of an election body

#### Section 242

(1) If an election body fails to discharge its procedural obligations by the relevant deadline, the superior election body shall, within three days of receiving an objection regarding the issue or being officially informed about it, establish the fact of the illegality and

a) order the election body at fault to carry out the proceedings in an expedited fashion;

or

b) make the decision itself.

(2) If the National Election Commission fails to discharge its procedural obligations by the relevant deadline, the Curia shall, within three days of receiving an objection regarding the issue, establish the fact of the illegality and order the National Election Commission to carry out the proceedings in an expedited fashion.

### SPECIAL PROVISIONS

#### Chapter XIII

##### The election of Members of Parliament

#### Section 243

Chapters I-XII of this Act shall be applied in the elections of Members of Parliament with the exceptions set out in this Chapter.

107 The call for election

#### Section 244

(1) By-elections of Members of Parliament shall be called by the National Election Commission, taking into consideration the recommendation of the parliamentary single-member constituency election commission.

(2) If the election commission or the court orders postal voting to be repeated, the resolution on this shall call the repeated election for a day between forty and fifty days after the day of the original voting.

## 108 Election bodies

### Section 245

(1) The following election commissions shall operate in elections of Members of Parliament:

- a) the National Election Commission;
- b) parliamentary single-member constituency election commissions;
- c) polling station commissions (in settlements with a single polling district, the local election commission).

(2) Nominating organisations with the power to appoint members to the National Election Commission – except national minority self-governments – may appoint up to five observers to work alongside the National Election Office and verify the voting documents and the legality of the ballot counting.

(3) Only voters who have taken an oath or pledge in front of the chairman of the election commission using the text contained in the Act on the Oath and Pledge of Certain Public Officials may serve as observers. Among other provisions, the provisions of Section 5 (3), Section 5 (4) a), b) and d) and Section 5 (5) shall apply to observers.

## 109 Drawing up polling districts

### Section 246

In settlements with more than one parliamentary single-member constituency, the polling district pursuant to Section 78 shall be drawn up in the parliamentary single-member constituency in which the seat of the mayor's office or joint municipality office is located.

## 110 Polling district electoral registers

### Section 247

(1) Printed polling district electoral registers shall not contain data on voters listed in the foreign representation electoral register and - with the exception of Section 257 (1b) - in the register of postal voters.

(2) Regarding voters requesting a change of polling districts, in addition to their data, polling district electoral registers shall contain the name of the parliamentary single-member constituency of their address as well.

(3) When requesting mobile voting, voters requesting a change of polling districts may indicate a residence within the settlement where they wish the mobile ballot box to be taken.

#### Section 248

If a voter is listed in the central electoral register as a national minority voter with regard to the election of Members of Parliament as well, based on a request submitted no later than the sixteenth day before the day of voting, the notification and the polling district electoral register shall indicate the national minority the voter belongs to.

#### Section 249

(1) If, on the second day prior to voting at the latest

a) the election office deletes the indication that the voter belongs to a particular national minority from the central electoral register; or

b) the election office modifies the data of the voter in the central electoral register in such a way that his or her registration as a national minority voter does not cover the election of Members of Parliament,

the national minority data of the voter shall be deleted from the polling district electoral register.

(2) The National Election Office shall delete the national minority data of voters from the polling district electoral register if the national minority in question does not have a national minority list.

#### Section 249/A

In cases according to Section 257 (1b) the printed polling district electoral register and the register of voters requesting mobile voting shall contain a notice that the voter is only allowed to vote on single-member constituency ballots.

## 111 Changing polling districts

### Section 250

(1) Requests for changing districts may be submitted by voters listed in the polling district electoral register of their address who will be within the territory of Hungary on the day of voting, but in the area of a different polling district than the one of their Hungarian address.

(2) Requests for changing districts shall reach the local election office following the calling of the elections, but no later than two days before the voting.

(3) The requests for changing districts shall contain in addition to data as stipulated by Section 92 (1) a) the name of the settlement where the voter would like to vote.

(4) Based on the request, the local election office shall delete the voter from the register of the polling district of their address, and at the same time enter the voter into the register of an polling district of the settlement indicated pursuant to subsection (3). The polling district shall be selected pursuant to Section 78 – in the case of a settlement with a single polling district, it shall be the one polling district.

(5) Voters who requested to change polling districts may modify or revoke their request up to 16:00 on the second day before the day of voting. The request shall contain data as stipulated by Section 92 (1) a)

## 112 Electoral registers for repeated voting

### Section 251

If the election commission or the court orders the voting to be repeated in an polling district, the voters who were in the foreign representation electoral register or the register of postal voters during the original vote shall not be entered into the polling district electoral register.

## 113 Notification of candidates

### Section 252

(1) Single-member constituency candidates shall be notified on the thirty-fourth day before the day of voting at the latest.

(2) Single-member constituency candidates shall be registered by the parliamentary single-member constituency election commission.

(3) During the notification of joint candidates it also has to be notified to which nominating organization the candidate belongs in terms of budgetary funding of parties.

#### 114 Notification of national lists

#### Section 253

(1) National lists shall be notified on the thirty-third day before the day of voting at the latest.

(2) National lists shall be registered by the National Election Commission.

(3) During the notification of joint lists it also has to be notified to which nominating organization the candidate belongs in terms of budgetary funding of parties.

#### Section 254

(1) When putting forward a party list, nominating organisations shall take into account the number of single-member constituency candidates notified before the registration of the list, except for candidates whose registration was refused by the parliamentary single-member constituency election commission.

(2) The National Election Commission shall remove the party list from the register if the nominating organisation has fewer finally registered – and notified but not finally adjudged – single-member constituency candidates than the minimum specified by law.

#### Section 255

(1) The provisions of Section 120 (1)-(2) and Sections 121-128 shall be applied to recommendations of national minority lists. Voters who are also listed in the central electoral register as national minority voters with regard to the election of Members of Parliament may recommend national minority lists.

(2) When determining the number of voters listed in the register as national minority voters, the voters who are also listed in the register as national minority voters with regard to the election of Members of Parliament on the forty-eighth day before the day of voting shall be taken into account.

(3) The National Election Office shall – when handing over the recommendation sheet – hand over free of charge to national minority self-governments registered as nominating

organisations with final effect the list of names and addresses of voters listed in the central electoral register as voters of the national minority in question with regard to the election of Members of Parliament. Supplementary data supplies on voters registered as voters of the national minority in question after the list is handed over may be requested by the national minority self-government up until the thirty-fifth day before the day of voting.

(4) The data provided pursuant to (3) shall only be used for collecting recommendations and for direct political campaigning. The provisions of Section 155 and Section 218 (2) d) shall also apply to the handling of the data supplied.

## 115 The content of the ballot paper

### Section 256

(1) There shall be separate ballot papers for single-member constituency, national party list and national minority list voting – in the case of the national minority lists, separately for each national minority.

(2) Ballot papers made for postal voting shall contain the Hungarian text “levélben szavazás szavazólapja” (ballot paper for postal voting) arranged in a circle in the stamping area.

(3) When drawing lots to determine list numbers, party lists and national minority lists shall be handled as one group. On national party list ballot papers, party lists shall be listed in the order determined by the drawing of lots, but they shall be assigned a running serial number starting at one.

(4) Ballot papers for national minority lists put forward by a national minority self-government shall contain the name of the national minority. Indicating the number of the list on national minority list ballot papers shall not be required.

(5) Ballot papers for national minority lists put forward by a national minority self-government shall contain the text listed in Annex 6, items a)-f) and k) and the name of the national minority in the national minority language as well.

(6) On the ballot papers of the national minority list put forward by the national minority self-government, on the request of the nominating organisation, the name and abbreviated name of the nominating organisation, and, on the request of the candidate, the name of the candidate shall also be indicated in the national minority language.

## 116 Voting

### Section 257

(1) Based on the polling district electoral register and the register of voters requesting mobile voting, the polling station commission shall issue each voter a single-member constituency ballot paper and a party list ballot paper.

(1a) Voters who are listed in the register as national minority voters also with regard to the election of Members of Parliament shall be issued a single-member constituency ballot paper and the list ballot paper of their national minority.

(1b) Voters enlisted in the polling district register who established an address in Hungary 7 days before the ballot day and

a) got the postal vote package sent by the National Election Office according to Section 277 (1)

b) have been enlisted in the register of postal voters in the timeframe of 15 to 7 days before ballot day and have requested to get the ballot in person shall be issued a single member constituency ballot.

(2) Voters who changed polling districts shall vote using the ballot paper of the parliamentary single-member constituency of their address and the national list ballot paper. The ballot paper envelopes shall bear the name of the parliamentary single-member constituency. Voters shall place the ballot paper in the envelope and seal the envelope.

(3) The polling station commission of the selected polling district shall carry out mobile voting for voters who changed districts in the entire settlement.

## 117 Counting the ballots

### Section 258

(1) Representatives of the National Election Commission, the National Election Office, the representatives of media content providers, observers according to Section 245 (2) and international observers may be present at the counting of votes sent in by mail by voters with no Hungarian address.

(2) The rules on ballot counting and the preparation of records shall be applied separately to single-member constituency elections and national list elections.

## 118 Registers at foreign representations

## Section 259

(1) Requests for entry in the foreign representation electoral register may be submitted by voters who are in the polling district electoral register and will be abroad on the day of voting.

(2) Requests for entry in the foreign representation electoral register shall arrive after the calling of the election, on the eighth day before the day of voting at the latest.

(3) Such requests shall contain in addition to data as stipulated by Section 92 (1) a):

a) the applicant's contact address, if they wish the notification on the decision of the local election office to be sent to an address other than their registered contact address or Hungarian address;

b) an indication of which foreign representation the voter wishes to vote in.

## Section 260

(1) Based on the request, the election office shall enter the voter in the foreign representation electoral register without delay, and at the same time indicate this fact in the polling district electoral register.

(2) The foreign representation electoral register shall contain the data listed in Annex 7.

## Section 261

(1) Voters listed in the foreign representation electoral register may modify the data described in Section 259 (3) b) until the eighth day before the day of voting in Hungary.

(2) Voters entered into the foreign representation electoral register may request to be removed from the foreign representation electoral register until the eighth day before the day of voting in Hungary.

## Section 262

(1) Persons who are removed from the polling district electoral register shall also be removed from the foreign representation electoral register.

(2) Voters' address changes taking place after the sixteenth day preceding the day of voting need not be entered into foreign representation electoral registers.

## Section 263

The National Election Office shall forward the data of the foreign representation electoral register to foreign representations in such a fashion that only the election office at the foreign representation can have access to the data. If the National Election Office sends the data of the foreign representation electoral register to the foreign representation electronically, the election office at the foreign representation shall print and authenticate the foreign representation electoral register.

#### Section 264

The data in the foreign representation electoral register shall be deleted on the working day after the ninetieth day after the day of voting.

#### 119 The register of postal voters

#### Section 265

#### Section 266

(1)

(2) The National Election Office shall enter into the register of postal voters all voters with no Hungarian address who are listed in the central electoral register based on a request submitted no later than the fifteenth day before the day of voting. The National Election Office shall indicate in the central electoral register that the voter had been entered into the register of postal voters.

(3) - (4)

#### Section 267

The following voters shall be deleted from the register of postal voters:

a) voters who have established an address in Hungary latest by the 7th day before ballot day,

b) voters with no Hungarian address who are removed from the central electoral register.

#### Section 267/A

The National Election Office shall make available the portion of the postal electoral register covering those voters who requested to collect the voting package in person by the fifteenth day before the day of voting, and it shall forward it to the competent election office in accordance with the provisions of Section 263.

#### Section 268

The data in the register of postal voters shall be deleted on the working day after the ninetieth day after the day of voting.

#### 120 Voting at foreign representations

#### Section 269

(1) Voting at foreign representations shall be possible if the host state does not object to it.

(2) Votes may be cast at foreign representations on the day of voting in Hungary, between 6:00 and 19:00 local time. At foreign representations where the time difference is -1 hour or -2 hours compared to Central European Time, votes may be cast between 06:00 local time and 19:00 CET. At foreign representations established on the American continent, votes may be cast on the day prior to voting in Hungary, between 6:00 and 19:00 local time.

(3) Election offices at foreign representations shall execute the tasks set for polling station commissions – except for the counting of the votes. The head of the election office at the foreign representation shall decide contentious issues arising during the voting.

(4) Voters entered in the foreign representation electoral register may vote at the foreign representation, or, if the building of the foreign representation is not suitable for conducting the voting, in another polling station provided by the foreign representation. If necessary, more than one location shall be provided for voting, and a sufficient number of polling booths and ballot boxes shall be provided to ensure continuous voting for the voters in the foreign representation electoral register.

(5) From the start of voting to the closing of voting, foreign representation election office members, media content provider representatives and foreign representation and international observers may be present in polling stations.

(6) The National Election Office shall be informed about the suspension of voting without delay with a view to the legal continuation of voting.

(7) The foreign representation election office shall place a review sheet in the ballot box, containing the time and date the sheet was placed in the ballot box and the signatures of the members of the foreign representation election office present and the citizen who is the first to cast his or her vote.

#### Section 270

The foreign representation election office determine the identity of the citizen wishing to vote based on a document suitable for identification, and it shall determine if the citizen is listed in the foreign representation electoral register. Anyone who cannot prove his or her identity as set forth above or is not listed in the foreign representation electoral register shall be rejected.

#### Section 271

(1) Voters who vote at a foreign representation shall vote using the ballot paper of their parliamentary single-member constituency and the national list ballot paper. The ballot paper envelopes shall bear the name of the parliamentary single-member constituency.

(2) Voters shall place the ballot paper in the envelope and seal the envelope.

#### Section 272

If until an hour before closing the voting, no voter has voted at the foreign representation, a member of the polling station commission may be the first voter.

#### Section 273

After closing the voting, foreign representation election offices shall place the record on the termination of voting in the ballot box without opening the ballot box, and seal the ballot box in such fashion that no ballot paper can be either put into or taken out of it.

#### 121 Voting packages

#### Section 274

Voters listed in the register of postal voters may vote by mail.

#### Section 275

(1) The voting package shall contain:

- a) a postal ballot paper;
- b) a voter identification declaration form (hereinafter: 'identification declaration');
- c) the envelope of the postal ballot paper (hereinafter: 'inner envelope');
- d) a prepaid reply envelope for domestic mailing;
- e) information on this voting method.

(2) The reply envelope in the voting package shall be addressed

- a)
- b) in the case of a voter with no Hungarian address, to the National Election Office.

(3) The size and layout of the postal list ballot paper may be different from that of the ballot paper used in polling stations. Postal ballot papers shall be valid without a stamp.

## Section 276

### 122 Delivery of voting packages

## Section 277

(1) For voters listed in the register of postal voters – except for those who requested to collect the voting package in person – the National Election Office shall send the voting package by mail immediately after the postal ballot paper for the vote is prepared.

(2) Voters with no Hungarian address who requested to collect the voting package in person by the fifteenth day before the day of voting pursuant to Section 92 (1) bb) may collect the voting package from the fifteenth day before the day of voting up to the second day before the day of voting on workdays between 9:00 and 16:00 at the election office of the

- a) parliamentary single-member constituency election commission seat settlement indicated by the voter,
- b) other settlement indicated by ministerial decree, or
- c) at the foreign representation indicated by ministerial decree.

### 123 Postal voting

## Section 278

(1) After filling in the ballot paper received as part of the voting package, the voter shall place the ballot paper in the inner envelope, and seal it.

(2) The voters identification declaration shall be completed with his/her:

a) name;

b) birth name;

c) place and time of birth

d) mothers name

e) personal identification number or number of his/her document certifying Hungarian citizenship.

(2a) The identification declaration has to be signed by the voter in person.

(3) The voter shall enclose the closed inner envelope and the completed identification declaration in the reply envelope.

#### 124 Sending postal voting documents to the election office

##### Section 279

(1)

(2) Voters who are listed in the register of postal voters and have no Hungarian address may

a) send the reply envelope containing their vote to the National Election Office so that it arrive by 24:00 on the day before the day of voting;

b) arrange for the envelope containing their vote to arrive at a foreign representation election office on a workday in the fifteen days before the day of the vote in Hungary between 09:00 and 16:00 or during the voting at the foreign representation; or

c) arrange for the envelope containing their vote to arrive at any parliamentary single-member constituency election office in the period available for voting in Hungary.

(3) The President of the National Election Office may set earlier starting times and later ending times than the 9:00–16:00 period established by Section 277 (2) and Section 277

(1) b).

##### Section 280

(1) Reply envelopes containing a vote may be mailed free of charge from the territory of Hungary.

(2) The postal service provider shall deliver reply envelopes it received in Hungary on or before the third day before the voting to the election office by 24:00 on the day before the voting.

#### Section 281

(1) Reply envelopes containing votes may be submitted: at a foreign representation, to the foreign representation election office; in settlements that are seats of a parliamentary single-member constituency, to the parliamentary single-member constituency election office.

(2) Reply envelopes may be placed in the ballot box under the constant safekeeping of the office. At foreign representations, ballot boxes shall be stored in a safe place.

(3) In settlements that are seats of a parliamentary single-member constituency, the observers of nominating organisations with a national list may be present during the safekeeping of the ballot box. Section 5 shall be applied to observers.

#### 125 Forwarding votes

#### Section 282

(1) The polling station commission shall not open the envelopes handed over by voters who voted by changing polling districts; it shall enclose them in a separate transport envelope and take them to the local election office. The number of envelopes contained in a transport envelope shall be marked on the transportation envelope.

(2) The local election office shall hand over transport envelopes to the parliamentary single-member constituency election office on the day after the voting.

#### Section 283

(1) Parliamentary single-member constituency election offices shall enclose reply envelopes containing votes cast by mail pursuant to Section 279 (1) c) in a transport envelope.

(2) Parliamentary single-member constituency election offices shall ship the transport envelopes specified in (1) and the transport envelopes received from local election offices to the National Election Office on the day after the voting.

#### Section 284

Foreign representation election offices shall transport sealed ballot boxes containing votes cast at the foreign representation and the reply envelopes sent to the foreign representation by mail to the National Election Office by 24:00 on the fourth day after the day of voting in Hungary. Votes arriving later shall be ignored.

#### Section 285

(1) The National Election Office shall open the ballot boxes containing votes cast at foreign representations when all the ballot boxes arrive, but no later than the fifth day after the day of voting in Hungary.

(2) If a ballot box arrives at the National Election Office after the deadline or not sealed as described in Section 273, or if there is no review sheet in the box, the votes it contains shall not be taken into account when determining the result, and the ballot box and its contents shall be destroyed on the first working day after the ninetieth day after the day of voting. Whether the ballot box is sealed as described in Section 273 shall be decided by the National Election Commission.

#### Section 286

Unsealed envelopes and envelopes that contain no indication of the single-member constituency found in a ballot box that arrived from a foreign representation or among the votes of voters who changed districts shall be considered votes not cast and shall be packed separately.

#### Section 287

(1) The National Election Office shall sort the sealed envelopes found in the sealed ballot boxes received from foreign representations and the sealed envelopes containing the vote of voters who changed districts by parliamentary single-member constituency and place them in sealed packages, indicating the number of envelopes contained in each package on the package itself. The National Election Office shall record the number of envelopes in the package in a separate record, a copy of which shall be placed in the package, and the package sealed. The President of the National Election Office shall authenticate the package by signing and stamping it.

(2) The National Election Office shall hand over the package to the head of the parliamentary single-member constituency election office or a member appointed by him or her.

## 126 Checking voting documents sent by mail

### Section 288

(1) Voting documents containing the votes of voters with no Hungarian address shall be checked by the National Election Office.

(2) The National Election Office shall start checking the voting documents on the sixth day before the voting at the earliest.

(3) Members of election commissions, observers described in Section 245 (2) and (3) and international observers may observe the entire voting document verification process. Employees of media content providers may be present during voting document verification if conditions that guarantee the protection of personal data are provided.

### Section 289

(1) The election office shall examine the voting documents that arrive before the deadline.

(2) When examining voting documents, the election office shall check received voting documents without opening the inner envelope containing the ballot paper. The content of the identification declaration shall be verified by the election office using the postal electoral register. If necessary, the National Election Office shall verify the content of the identification declaration by directly accessing data in the records relevant to the document proving Hungarian citizenship, by contacting the body with competence in citizenship affairs or through the records of citizens' personal data and addresses.

(3) A voting document shall be invalid if

- a) the reply envelope is not sealed;
- b) the reply envelope does not contain an identification declaration or an inner envelope;
- c) the reply envelope contains several inner envelopes for the same election;
- d) the inner envelope is not sealed;
- e) the voter's information on the declaration is incomplete or the declaration was not signed by the voter;
- f) the citizen is not listed in the register of postal voters;
- g) the voter had already submitted valid voting documents;
- h)

i) the voting document arrived late.

(4) The voting document shall also be invalid if the data on the voter in the identification declaration diverges from data in the register according to (2) except if the reason for this is due to:

a) change of name in the meantime

b) error in an accentuated letter

c) variance in the writing style

d) geographical names stated in a foreign language.

e) data according to Section 92 (1) a) aa) ab) and ad) one of many forenames is omitted or data is stated in a foreign language

but the identity of the voter can be determined without substantial doubt.

#### Section 290

(1) If the voting document is invalid pursuant to Section 289 (3), the reason for this shall be indicated on the reply envelope, and the contents of the reply envelope shall be placed in back the reply envelope without opening the inside envelope.

(2) Reply envelopes that contain invalid voting documents shall be packed separately.

#### Section 291

(1) If a voting document is not invalid pursuant to Section 289 (3), the election office shall indicate in the register of postal voters that the voter submitted a valid voting document.

(2) The election office shall store inner envelopes found in valid voting documents – unopened – separately until they are counted.

(3) Identification declarations found in valid voting documents shall be packed separately.

(4)

#### 127 Counting the ballots

#### Section 292

(1) The parliamentary single-member constituency election commission shall, on or before the eighth day before the day of voting, select the polling station commission that will count votes submitted by voters who changed polling districts. This shall be a polling station commission that operates in the settlement where the seat of the parliamentary single-member

constituency is located, and shall not be the polling station commission of the polling district selected pursuant to Section 78.

(2) When the voting is closed, the polling station commission set forth in (1) shall seal the ballot box in such fashion that no ballot paper can be either put into or taken out of it. The polling station commission shall hand over the ballot box to the head of the parliamentary single-member constituency election commission, who shall arrange for its safe storage.

(3) The head of the parliamentary single-member constituency election office shall, no later than the sixth day after the day of voting in Hungary, hand over to the chairman of the polling station commission defined in (1) the ballot box and the package referred to in Section 287 (1)

(4) The polling station commission referred to in Section 287 (1) shall mix the envelopes in the packages – unopened – with the envelopes that contain the votes cast at the polling district, and carry out without delay the tasks set for the polling station commission in Chapter XI.

#### Section 293

(1) Votes cast by mail by voters with no Hungarian address shall be counted by the National Election Office under the supervision of the National Election Commission. The counting shall not start before 19:00 on the day of voting.

(2) The observers and international observers described in Section 245 (2) and the press may observe the entire vote counting process.

#### 128 Determining the results of the elections

#### Section 294

(1) A copy of the polling district record prepared on the result of the vote in a single-member constituency shall be submitted by the local election office to the parliamentary single-member constituency election office.

(2) The parliamentary single-member constituency election commission shall determine the result of the vote in the single-member constituency based on the polling district record on the sixth day after the day of voting at the latest. The parliamentary single-member constituency election office shall – without delay after it becomes final – send a copy of the record drawn up on the single-member constituency election results to the National Election Office.

## Section 295

The results of the postal voting of voters with no Hungarian address shall be determined by the National Election Commission.

## Section 296

(1) The local election office shall send a copy of the polling district record on the results of national list voting to the National Election Office.

(2) The National Election Commission shall determine the result of the national list election no later than the nineteenth day after the day of voting based on:

- a) polling districts' records on the result of national list voting;
- b) the records on the results of postal voting; and
- c) the records on the single-member constituency results.

## 129 Legal remedies

### Section 297

(1) The parliamentary single-member constituency election commission shall adjudge  
a) objections against the activities and decisions of the polling station commission and objections regarding other acts committed at polling stations;

b) all objections that are specifically related to the election in the single-member constituency.

(2) The National Election Commission shall adjudge

- a) all objections not subject to (1) b);
- b) appeals against the decisions of parliamentary single-member constituency election commissions.

## 130 Publishing the results of the elections

### Section 298

After the results of the elections become final, the National Election Commission shall publish a notice on the election results in the Official Gazette of Hungary.

## 131 Letters of appointment

### Section 299

The National Election Commission shall also deliver the letter of appointment to the nationality spokesperson.

## 132 By-elections

### Section 300

(1)

(2) In by-elections, voters changing polling districts may only change to a polling district in the same constituency.

## Chapter XIV

### The election of representatives and mayors of municipalities

### Section 301

Chapters I-XII of this Act shall be applied in the elections of representatives and mayors of municipalities with the exceptions set out in this Chapter.

## 133 The call for election

### Section 302

(1) Elections shall be called so that the day of the vote is eighty to one hundred days after the day of the calling of the election.

(2) By-elections of a settlement's municipality representatives and mayor shall be called by the local election commission, and by-elections of county and the Capital city general assemblies and the Mayor shall be called by the territorial election commission.

## 134 The costs of the electoral procedure

### Section 303

The costs of preparing and conducting by-elections due to the dissolution of a body of representatives or general assembly shall be paid from the budget of the municipality.

## 135 Election bodies

### Section 304

The following election commissions shall operate during elections of representatives and mayors of municipalities:

- a) the National Election Commission;
- b) territorial election commissions;
- c) local election commissions,
- d) polling station commissions.

## 136 Notifying Union citizens as candidates

### Section 305

## 137 Determining the number of seats

### Section 306

(1) The central body managing the records of citizens' personal data and addresses shall inform the National Election Office by 31 January in the year of general elections of the number of inhabitants of each settlement and county and the Capital as of 1 January. The National Election Office shall inform the heads of local and territorial election offices of the population numbers within three months.

(2) The head of the local or territorial election office shall issue a resolution by 15 February in the year of the general elections, determining the number of members to be elected into the body of representatives or general assembly.

## 137/A Drawing up single-member constituencies

### Section 306/A

(1) In settlements with a population of more than ten thousand, single-member constituencies shall be drawn up by the head of the local election office. The head of the local

election office shall ask the local election commission for its opinion in advance; however, the opinion shall not be binding to the head of the local election office.

(2) Single-member constituencies shall be established in a manner that

a) they form contiguous areas;

b) they have approximately the same number of inhabitants with the right to vote according to the central electoral register.

(3) When drawing up single-member constituencies, the number of people with voting rights in each single-member constituency may diverge from the arithmetic mean of the number of voters the single-member constituencies of the settlement by no more than fifteen per cent, taking into account settlement structure, geography and other local characteristics.

#### Section 306/B

The head of the local election office shall publish the resolution on the drawing up of polling districts – containing the borders of single-member constituencies, the number of people with the right to vote in the single-member constituency based on the central electoral register, the divergence of the number of people with the right to vote in each single-member constituencies from the arithmetic mean of the number of voters the single-member constituencies of the settlement, the causes for any divergences greater than five per cent and the opinion of the local election office – for fifteen days in the local customary manner.

#### Section 306/C

The head of the local election office shall amend the division of local constituencies by 31 March in the year of general elections if:

a) the number of the settlement's inhabitants exceeds ten thousand or the number of single-member constituencies changes;

b) the number of people with the right to vote in one of the single-member constituencies diverges from the arithmetic mean of the number of voters the single-member constituencies of the settlement by more than twenty per cent.

#### Section 306/D

(1) The rates of difference specified in Section 306 (3) and Section 306/C b) shall be calculated based on the data in the central electoral register as of 1 January in the year of general elections.

(2) The provisions of Section 306/A and Section 306/B shall apply to modifying the division of constituencies.

### 138 Drawing up polling districts

#### Section 307

In settlements with more than ten thousand inhabitants, the polling district pursuant to Section 78 shall be drawn up in the single-member constituency in which the seat of the mayor's office or joint municipality office is located.

### 138/A Changing polling districts

#### Section 307/A

(1) Requests for changing polling districts may be submitted by voters whose residence was established at least 30 days before the day of voting and lasts at least until the day of voting.

(2) Requests for changing districts shall reach the local election office following the calling of the elections, but no later than two days before the voting.

(3) Requests for changing polling districts shall contain, in addition to the data listed in Section 92 (1) a), the address of the voter's place of residence.

(4) Voters who requested to change polling districts may revoke their request up until the second day before the day of voting.

#### Section 307/B

(1) Based on the request, the head of the local election office shall remove the voter from the register of the voter's domicile, and, at the same time, enter the voter into the register of the voter's place of residence.

(2) Voters who terminate their residence on or before the second day before the day of voting shall be moved back to the register of their domicile.

### 138/B Polling district electoral registers at by-elections

#### Section 307/C

(1) During by-elections, voters with a domicile in the polling district shall be entered into the polling district electoral register.

(2) As a derogation from the main provisions of (1), voters who have a domicile or place of residence in the settlement or single-member constituency where they were listed in the polling district electoral register on the day of the most recent general or by-elections of representatives and mayors of municipalities may only be entered into the polling district electoral register of the same settlement or single-member constituency.

#### 138/C Notification of nominating organisations

##### Section 307/D

(1) Nominating organisations shall be registered by the territorial election commission or the National Election Commission – whichever the nominating organisation was notified to. In by-elections, nominating organisations shall be registered by the election commission with competence to register candidates or lists.

(2) Notifications of national minority organisations shall contain the organisation's articles of association, proving that the organisation meets the requirements set for national minority organisations by the Act on the Rights of National Minorities.

#### 138/D Determining the number of recommendations necessary for putting forward a candidate or list

##### Section 307/E

(1) The number of recommendations required for putting forward a candidate in a constituency with multi-member list voting, a candidate in a single-member constituency or a mayoral candidate shall be established by the head of the local election office, while the number of recommendations required for putting forward a candidate for Lord Mayor of the Capital city or a county list shall be established by the head of the territorial election office, on the fifty-eighth day before the day of voting.

(2) When establishing the required number of recommendations, the number of voters shall be determined based on the data in the central electoral register on the fifty-eighth day before the day of voting.

(3) The required number of recommendations shall be established by rounding up the calculated number to the next integer.

## 138/E Recommending candidates and lists

### Section 307/F

(4) The provisions of Section 120 (1)-(2) and Sections 121-128 shall also apply to recommendations of county lists.

## 138/F Notification of candidates

### Section 307/G

(1) Candidates in constituencies with multi-member list voting, candidates in single-member constituencies, mayoral candidates and candidates for Lord Mayor of the Capital city shall be notified on the twenty-seventh day before the day of voting at the latest.

(2) Candidates in constituencies with multi-member list voting, candidates in single-member constituencies and mayoral candidates shall be registered by the local election commission, and candidates for Lord Mayor of the Capital city shall be registered by the territorial election commission.

(3) National minority candidates shall also declare that

- a) they will take on the task of representing the national minority;
- b) they speak the language of the national minority community and know its culture and traditions.

(4) The election commission shall verify in the register of candidates that the persons notified as national minority candidates had not stood as a candidate of a different national minority in the last two general elections of representatives and mayors of municipalities or the last two general elections of national minority self-governments or subsequent by-elections.

### Section 307/H

When notifying a citizen of another European Union Member State as a candidate, the candidate's declaration that he or she is not subject in his or her state of citizenship to any legal restriction or any measure by a court or other authority that bars him or her from standing for election shall be attached to the notification.

## 138/G Notification of lists

### Section 307/I

(1) Compensation lists and county and Capital lists shall be notified on the twenty-sixth day before the day of voting at the latest.

(2) Compensation lists shall be registered by the local election commission, and the county and Capital lists shall be registered by the territorial election commission.

(3) The notification of candidates entered on lists shall contain the data and declarations required pursuant to Section 120 (3). The provisions of Section 307/G (3) and 307/H shall also apply to candidates put forward as part of a list.

### Section 307/J

(1) When putting forward a compensation list, the number of single-member constituency candidates notified before the registration of the list by the nominating organisation shall be taken into account, except for candidates whose registration was refused by the local election commission.

(2) The local election commission shall remove the compensation list from the register if the nominating organisation has fewer finally registered – and notified but not finally adjudged – single-member constituency candidates than the minimum specified by law.

### Section 307/K

(1) When putting forward a list in the Capital, the number of district mayor candidates notified before the registration of the list by the nominating organisation shall be taken into account, except for district mayor candidate registrations which have been refused by the local election commission.

(2) The local election commission shall remove the Capital list from the register if the nominating organisation has fewer finally registered – and notified but not finally adjudged – district mayor candidates than the minimum specified by law.

## 138/H The content of ballot papers

### Section 307/L

(1) Separate ballot papers shall be used for multi-member list voting, single-member constituency voting, mayoral elections, county/Capital self-government elections and the city mayor elections.

(2) In case of national minority candidates, the ballot papers used in multi-member list voting, single-member constituency voting and mayoral elections shall also indicate the name of the national minority.

(3) On the request of the national minority nominating organisation, the name and abbreviated name of the national minority nominating organisation and, on the request of the national minority candidate, the name of the candidate shall also be indicated on the ballot paper in the language of the national minority.

138/1 Counting votes

#### Section 307/M

The rules on vote counting and preparing minutes shall be applied separately to multi-member list voting, single-member constituency voting, mayoral elections, county/Capital self-government elections and the Lord Mayor elections.

#### 138/J Determining the election results

#### Section 307/N

(1) Based on the polling district minutes, the local election commission shall tally the results of the mayoral elections and multi-member list or single-member constituency elections at the polling district level, and determine the election results.

(2) Once the minutes on the results of the single-member constituency election at polling district level have final force, the local election commission shall determine the results with regard to the compensation list.

#### Section 307/O

(1) One copy of the polling district minutes on the results of county/Capital self-government elections and the Lord Mayor elections shall be delivered by the local election office to the territorial election office by 10:00 on the day following the voting.

(2) Based on the polling district minutes, territorial election commissions shall determine the results of the county/Capital self-government and the Lord Mayor elections.

#### 138/K Legal remedies

##### Section 307/P

(1) The local election commission shall adjudge:

- a) objections against the activities and decisions of the polling station commission and objections regarding other acts committed at polling stations;
- b) all objections that are specifically related to the multi-member list voting, single-member constituency voting, compensation lists or mayoral elections.

(2) The territorial election commission shall adjudge:

- a) all objections that are specifically related to county/Capital self-government elections or the election of the Lord Mayor;
- b) all objections that do not fall within the scope of (1) and are related to acts committed in the territorial election commission's area of competence;
- c) appeals lodged against decisions of local election commissions.

(3) The National Election Commission shall adjudge:

- a) all objections that do not fall within the scope of (1) or (2) and are related to acts regarding which it is not possible to determine where they were committed;
- b) appeals against decisions of territorial election commissions.

##### Section 307/Q

Requests for judicial review may be lodged against resolutions by the head of a local election office regarding the drawing up and review of single-member constituencies within the period of publication. Such requests shall be adjudged by the tribunal.

#### Chapter XV

##### Elections of representatives of national minority self-governments

##### Section 308

Chapters I-XII, Section 307/D, 307/F and 307/L (2), (3) of this Act shall be applied to the elections of representatives of national minority self-governments with the derogations set out in this Chapter.

#### 139 The call for election

##### Section 309

(1) The general election of representatives of national minority self-governments shall be called by the National Election Commission on or before the seventy-fifth day before the day of voting, for the same day as the general election of representatives and mayors of municipalities.

(2) By-elections of representatives of national minority self-governments shall be called by the local election commission, while by-elections of representatives of territorial national minority self-governments shall be called by the territorial election commission, and by-elections of representatives of national minority self-governments shall be called by the National Election Commission.

#### 140 The costs of the electoral procedure

##### Section 310

The costs of preparing and conducting by-elections shall be covered from the budget of the national minority self-government if the by-election is held because

- a)
- b) the body of representatives or general assembly was dissolved; or
- c) the body of representatives or general assembly dissolved itself.

#### 141 Election bodies

##### Section 311

(1) The following election commissions shall operate in elections of representatives of national minority self-governments:

- a) the National Election Commission;
- b) territorial election commissions;

- c) local election commissions,
- d) polling station commissions.

(2) Nominating organisations may not appoint members to election commissions.

(2a) Nominating organisations associated with a national minority for which national minority self-government elections are held in the settlement may appoint one observer to the polling station. The observers shall be voters listed in the central electoral register as national minority voters of the national minority in question. With regard to other issues, the provisions of Section 5 (4)-(5), 29-31 and 32 (3) shall apply to observers.

(3) The head of the local election office shall supplement the polling station commission using the necessary number of alternate members if the number of voters in the national minority polling district electoral register is over nine hundred.

## 142 Drawing up polling districts

### Section 312

(1) All national minorities shall use the same polling districts.

(2) On the initiative of the head of the local election office, the President of the National Election Office may authorize the head of a local election office to set up more than one polling district in a settlement, taking census data into account.

(3) The voters of each national minority shall be assigned to a single polling district. If a national minority has more than one hundred voters in one settlement, the voters may be assigned to more than one polling district, but each district shall have at least thirty voters from the national minority.

## 143 The register

### Section 313

Voters can be listed in the national minority polling district electoral register in the settlement where they are listed in the polling district electoral register prepared for the election of representatives and mayors of municipalities, or – in the case of a by-election – is eligible to be listed there.

### Section 314

Notifications and polling district electoral registers shall contain the name of the national minority as well.

#### Section 315

Those shall be entered into the polling station electoral registers of national minorities, who are already enlisted based on their request latest by the 16th day before ballot day as national minority voters in the central electoral register.

144 Determining the number of recommendations necessary for putting forward a candidate or list

#### Section 316

The number of recommendations necessary for putting forward a candidate or list shall be published in the resolution calling the elections, rounded up to the next integer.

145 Recommendations

#### Section 317

(1) Recommendation sheets shall indicate the name of the national minority in question.

(2) The election office shall

- a) at the same time when handing over the recommendation sheet
- b) hand over before the 35th and 13th day before ballot day free of charge to nominating organisations the list of names and addresses of voters listed in the electoral register as voters of the national minority in question, with the exception of voters forbidding the handing over of their data as regulated in Section 89 (1).

(3) The data provided pursuant to (2a) shall only be used for collecting recommendations and data pursuant to b) for direct political campaigning. The provisions of Section 155 and Section 218 (2) d) shall also apply to the handling of the data supplied.

146 Notification of candidates

#### Section 318

(1) Settlement-level national minority self-government candidates shall be notified on the thirty-fourth day before the day of voting at the latest.

(2) Settlement-level national minority self-government candidates shall be registered by the local election commission.

(3) Candidates shall also declare that

a) they will take on the task of representing the national minority;

b) they speak the language of the national minority community and know its culture and traditions.

(4) The election commission shall verify in the register of candidates that the candidates had not stood as a candidate of a different national minority in the last two general elections of national minority self-governments or subsequent by-elections.

#### 147 Notification of lists

#### Section 319

(1) Lists put forward in territorial and national minority self-government elections shall be notified on the thirty-fourth day before the day of voting at the latest.

(2) Lists put forward in territorial national minority self-government elections and their candidates shall be registered by the territorial election commission, while those put forward in national minority self-government elections and their candidates shall be registered by the National Election Commission.

(3) The provisions of Section 318 (3) shall be applied with respect to the candidates indicated on the list as well.

#### Section 320

(1) When putting forward a list, nominating organisations shall take into account the number of settlement-level national minority self-government candidates notified before the registration of the list, except for candidates whose registration was refused by the local election commission.

(2) The election commission shall remove the list from the register if the nominating organisation has fewer finally registered – and notified but not finally adjudged – settlement-level national minority self-government election candidates than the minimum specified by the Act on the Rights of National Minorities.

## 148 The content of the ballot paper

### Section 321

(1) There shall be separate ballot papers for electing the settlement, territorial and national minority self-governments.

(2) The name of the national minority shall be indicated on the ballot papers.

(3) The text listed in Annex 5, items a)-f) and k) and Annex 6, items a)-f) and k) and the name of the national minority shall be printed on the ballot papers in the national minority language as well.

(4)

## 149 Mailing the voting packages to voters listed in the register of postal voters

### Section 322

## 150 Voting

### Section 323

(1) If a national minority self-government election is held in a settlement, the national minorities shall use the same national minority polling stations – including during territorial and national minority self-government elections.

(2) National minority polling stations shall be laid out so that they are accessible to voters with a disability.

(3) If no national minority self-government elections are held in a settlement for any national minority, the tasks of the polling station commission shall be carried out in the course of territorial and national minority self-government elections by the local election commission.

(4) Voters shall place the territorial and national list ballot papers of national minorities for which no election is held in the settlement in envelopes on which the name of the national minority is indicated. The envelope shall be sealed by the voter.

## 151 Checking voting documents sent by mail

## Section 323/A

(1) Polling station commissions and local election commissions shall enclose the envelopes submitted to them pursuant to Section 323 (4) in transport envelopes.

(2) Local election offices shall deliver the transport envelopes specified in (1) to the territorial election office by 10:00 on the day following the voting.

## Section 324

152 The public nature of ballot counting

## Section 325

153 Counting the ballots

## Section 326

The rules on ballot counting and the preparation of records shall be applied separately to each national minority, and to settlement, territorial and national minority elections.

154 Counting the votes cast pursuant to  
Section 323 (4)

## Section 327

Votes cast pursuant to Section 323 (4) shall be counted by the territorial election commission.

155 Determining the election results

## Section 328

The results of settlement-level national minority self-government elections shall be determined by the territorial election commission.

## Section 329

(1) A copy of the polling district record on the results of territorial and national minority self-government elections shall be sent by the local election office to the territorial election office no later than 10:00 on the day following the voting.

(2) The territorial election commission shall determine the result of the territorial national minority self-government election based on the records of the polling districts and the records on the results of postal voting.

(3) The territorial election commission shall determine the result of the territorial national minority self-government election based on the minutes of the polling districts and the minutes of the ballot counting it had carried out.

(4) The territorial election commission shall determine the territorial results of the national minority self-government election based on the minutes of the polling districts and the minutes of the ballot counting it had carried out.

## 156 Legal remedies

## Section 330

(1) The local election commission shall adjudge

a) objections against the activities and decisions of the polling station commission and objections regarding other acts committed at polling stations;

b) all objections that are specifically related to the settlement-level national minority self-government election.

(2) The territorial election commission shall adjudge

a) all objections that are specifically related to the territorial national minority self-government election.

b) all objections that do not fall within the scope of (1) b) and are related to acts committed in the territorial election commission's area of competence.

c) appeals lodged against decisions of the local election commission.

(3) The National Election Commission shall adjudge

a) all objections that are specifically related to the national minority self-government election;

b) all objections that do not fall within the scope of (1) b) or (2) a) and are related to acts regarding which it is not possible to determine where they were committed;

c) appeals lodged against decisions of the territorial election commission.

## Chapter XVI

### Elections of the Members of the European Parliament

#### Section 331

(1) In elections of the Members of the European Parliament, the provisions of Chapters I-XII and Sections 245, 247 (1) and (3), 250, 251, 256 (2), 257 (3), 259-264, 269, 270, 271 (2), 272, 273, 284, 285, 297 and 298 shall be applied with the derogations set out in this Chapter.

(2) If the election of the Members of the European Parliament and the general election of Members of Parliament is held on the same day, the provisions of Sections 247 (2), 257 (2), 271 (1), 282, 286, 287 and 292 shall also be applied to the election of the Members of the European Parliament. In such cases, the provisions of Sections 342 and 343 (2) shall not apply.

#### 157 The call for election

#### Section 332

(1)

(2) The election shall be called for a Sunday within the period determined by the European Union. If the Sunday within the period determined by the European Union is a holiday pursuant to the Labour Code, Easter Sunday or Pentecost Sunday, the election of the Members of the European Parliament shall be called for another day within the period determined by the European Union.

#### 158 Election bodies

#### Section 333

#### 159 Requests for the registration of citizens of other European Union member states

#### Section 334

(1) Citizens of other member states of the European Union may request up to the sixteenth day before the day of voting to have their registration expanded to include the election of Members of the European Parliament. In addition to the data specified in Section 92 (1) a), such requests shall include:

a) the voter's declaration stating that he or she will only exercise his or her right to vote in Hungary;

b) if applicable, the name of the settlement or constituency where the requester was last entered into the register in the state of their citizenship.

(2) Citizens of other member states of the European Union listed in the central electoral register with regard to the election of Members of the European Parliament may request up to the fifteenth day before the day of voting to have the scope of their registration reduced so as not to include registration for election of the Members of the European Parliament.

160 Entry of citizens of other European Union member states in the register

#### Section 335

The National Election Office shall inform the competent central organs of the Member States of the European Union by the fifteenth day before the day of voting at the latest about the citizens of each country who are listed in the polling district electoral register. The notification shall contain the following data on the voter:

a) name;

b) gender;

c) place and date of birth;

d) nationality;

e) the settlement or constituency where the citizen concerned was last entered into the local electoral register in the state of their citizenship.

161 Deletion of voters who exercise their voting rights in another European Union member state

#### Section 336

Based on the information received about Hungarian citizens registered to participate in the election of the Members of the European Parliament in other member states, the

National Election Office shall remove the voters in question from the polling district electoral register.

#### 162 Data supply from the register of disfranchised citizens

##### Section 337

The National Election Office shall supply data to European Union member states' competent authorities authorized to manage data in the course of elections of Members of the European Parliament on request within three days from the register of disfranchised voters regarding the voting rights of Hungarian citizens who requested to be registered as voters or candidates in the member state in question.

#### 163 Notification of lists

##### Section 338

- (1) Lists shall be notified on the thirty-fourth day before the day of voting at the latest.
- (2) Lists shall be registered by the National Election Commission.
- (3) The provisions of Section 120 (1)-(2) and Sections 121-128 shall be applied to recommendations of lists.
- (4) The notification of candidates entered on lists shall contain the data and declarations required pursuant to Section 120 (3).

##### Section 339

- (1) When notifying a citizen of another European Union Member State as a candidate, the candidate's declaration containing the following shall be attached to the notification:
- a) the candidate's citizenship, domicile, place and date of birth and last domicile in the state of citizenship;
  - b) the candidate's statement that he or she is only standing for election in the election of the Members of the European Parliament in Hungary;
  - c) the settlement or constituency where the candidate was last listed in the electoral register in the member state of citizenship;
  - d) the candidate's statement that he or she is not subject to any measures excluding candidacy in his or her state of citizenship.

(2) When notifying a citizen of another member state of the European Union as a candidate, the National Election Office shall inform the authorities of the candidate's state of citizenship of the declaration pursuant to (1) and request confirmation that the candidate is not subject to any measures excluding candidacy in his or her state of citizenship.

(3) The National Election Office shall inform the competent authorities of the member states of the European Union about their citizens who were registered as candidates by the National Election Commission by sending the data listed in items a) and c) of Annex 2 within three days after the registration becomes final.

#### Section 340

The National Election Commission shall refuse to register or it shall de-register candidates who

- a) were registered as candidates in another member state of the European Union;
- b) do not have the right to vote according to the response sent to the request made pursuant to Section 339 (2) by the competent authority or the member state of citizenship.

#### 164 Voting

#### Section 341

Any unsealed envelopes found in a ballot box arriving from a foreign representation shall be considered uncast votes and packaged separately.

#### 165 Counting the ballots

#### Section 342

Votes cast at foreign representations shall be counted by the National Election Office under the supervision of the National Election Commission. The counting shall not start before 19:00 on the day of voting.

#### 166 Determining the result of the elections

#### Section 343

(1) The local election office shall send a copy of the record prepared on the result of voting to the National Election Office.

(2) The National Election Commission shall determine the result of the election based on:

- a) polling district records;
- b) the records on the results of voting at foreign representations; and
- c).

#### Section 344

The informative data containing the unofficial result of the election and the result of the election may only be published after voting has finished in all the Member States of the European Union.

#### 167 Legal remedies

#### Section 345

### FINAL PROVISIONS

#### Chapter XVII

#### Final Provisions

#### 168 Authorising Provisions

#### Section 346

The Minister is authorised to specify by decree:

- a) the detailed rules on the tasks falling within the competence of election offices;
- b) the forms to be used in the course of the election procedure;
- c) the terms and deadlines of the electoral procedure;
- d) the data to be covered by national election result summaries;
- e) the flat rates of election costs, items and related expense reporting and internal audit procedures;
- f) the remuneration paid to members of election commissions – with the exception of the National Election Commission – and to members of election offices.

- g) the documents accepted as proof that a person acting as the representative of a media content provider is doing so with authorisation;
- h) the detailed rules on the payment of fines.
- i) the settlements and foreign representations where voters with no Hungarian address may – on their own request – collect the voting package in person,
- j) detailed rules on how the Government Offices of the Capital city and the counties should provide election related IT assistance,
- k) rules on the reimbursement of valid and verified costs of elected members of the National Election Commission related to the functioning of the Commission.

## 169 Enacting Provisions

### Section 347

This Act shall enter into force on the 15th day after its promulgation.

## 170 The abbreviation of the Act

### Section 348

The Hungarian abbreviation of this Act shall be: 'Ve. '.

## 171 Transitional provisions

### Section 349

- (1) The provisions of Act C of 1997 on Election Procedure shall be applied:
- a) in parliamentary by-elections held before the first general election of Members of Parliament held after the entry into force of this Act;
  - b) in self-government by-elections held before the first general election of representatives and mayors of municipalities held after the entry into force of this Act;
  - c) in national and local referendums, national and local popular initiatives and citizens' initiatives until the entry into force of the Act on National and Local Referendums, National and Local Popular Initiatives and Citizens' Initiatives;
  - d) before the first general election of national minority self-governments after the entry into force of this Act, in territorial and national minority self-government by-elections and in filling a territorial or national minority self-government seat that became vacant;

e) before the first general election of the Members of the European Parliament held after the entry into force of this Act, in elections held to fill a European Parliament seat that became vacant.

(1a) The provisions of Section 48 (1) and (3), Chapter X and Section 148/B (2)-(4) of Act C of 1997 shall be applied to the European Citizens' Initiative with the derogation that in the application of Section 148/B (3), the EU citizenship of the person signing the declaration of support shall be determined, and it shall also be determined whether the person in question reached the age limit for voting in the election of Members of the European Parliament in their state of citizenship at the time of signing the declaration of support.

(1b) Section 16 (1) of Act C of 1997 shall be applied with the derogation that if the change in domicile of the voter is entered into the records of citizens' personal data and addresses by the district authority, the head of the local election office shall enter the voter into the electoral register within five days of the change of domicile.

(2) The powers established in Act C of 1997 for the previous National Election Commission (OVB) shall be taken over by the National Election Commission, and those set for the previous National Election Office (OVI) shall be taken over by the National Election Office.

(3) The data contained in the register pursuant to Section 99/E of Act C of 1997 on Election Procedure shall be destroyed within fifteen days after the entry into force of this Act.

(4) Persons who were under conservatorship precluding or limiting capacity on 1 January 2012 based on a final judgment and regarding whom the courts have not yet decided on exclusion from suffrage shall also be entered into the register of disfranchised citizens. The provisions of Section 13/A (4) shall apply to initiating lawsuits aimed at establishing the existence of suffrage.

## Section 350

(1) In the 2014 general election of representatives and mayors of municipalities and in subsequent by-elections, national minority candidates shall also declare that they had not been the candidates of other national minorities in the two previous general elections of representatives and mayors of municipalities, the two previous general elections of representatives of national minority self-governments, or subsequent by-elections. The provisions of Section 307/G (4) shall not be applied prior to the 2019 general election of representatives and mayors of municipalities.

(2) In the 2014 general election of representatives of national minority self-governments and in subsequent by-elections, candidates shall also declare that they had not been the candidates of other national minorities in the two previous general elections of representatives of national minority self-governments or subsequent by-elections. The provisions of Section 318 (4) shall apply prior to the 2019 general election of representatives of national minority self-governments.

(3) In the 2019 general election of representatives and mayors of municipalities and of national minority self-governments and in subsequent by-elections, the application of Sections 307/G (4) and 318 (4) shall not cover elections prior to the 2014 general election of representatives and mayors of municipalities and of national minority self-governments.

#### Section 351

(1) The polling districts shall be set up for the first time by 30 April 2013.

(1a) The constituencies of municipality election shall be first set up by 31 March 2014.

(2) Requests for entry in the central electoral register, furthermore data entry pursuant to Section 85 (1) may be submitted from 1 November 2013. Voters without registered domicile in Hungary may submit requests for enrolment into the central electoral register from 1 August 2013; requests submitted in this manner before 1 November 2013 will be adjudged by the National Election Office until 30 November 2013.

(3) Voters with registered domicile in Hungary, furthermore voters living in Hungary without registered domicile may request data entry pursuant to Section 85 (1) from 1 January 2014.

#### Section 352

(1) Members of the National Election Commission shall be elected for the first time in the September following the entry into force of this Act.

(2) The mandate of members of the previous National Election Commission operating at the time of the entry into force of this Act shall last until the inaugural meeting of the National Election Commission elected pursuant to (1).

#### Section 353

In 2013, by-elections of Members of Parliament may not be called for a day following 1 September.

172 Compliance with the requirement of the Fundamental Law  
regarding cardinal legislation

#### Section 354

(1) The General Provisions and Annexes 1-6 with the exception of Section 3 (9a), Section 147-147/F Subtitle 74 and Section 233 shall be considered cardinal pursuant to Article XXIX (3), Article 2 (1) and Article 35 (1) of the Fundamental Law.

(2) Section 3 (9a), Section 147-147/F and Subtitle 74 shall be considered cardinal pursuant to Article IX (3), Article XXIX (3), Article 2 (1) and Article 35 (1) of the Fundamental Law.

(3) Section 233 shall be considered cardinal pursuant to Article 24 (9) of the Fundamental Law.

(4) Chapter XIII and Annex 7 and 8 shall be considered cardinal pursuant to Article 2 (1) of the Fundamental Law.

(5) Chapter XIV shall be considered cardinal pursuant to Article 35 (1) of the Fundamental Law.

(6) Chapter XV shall be considered cardinal pursuant to Article XXIX (3) of the Fundamental Law.

173 Compliance with the Law of the European Union

#### Section 355

(1) Sections 90, 334-337, 339 and 340 – along with Article XXIII (2) of the Fundamental Law – serve the purpose of compliance with Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, and with Directive 13/1/EU of 20 December 2013, which amends the former Directive.

(2) Section 305 – along with Article XXIII (2) of the Fundamental Law – serves the purpose of compliance with Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in

municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

(3) Sections 332 (2) and 344 – along with Article XXIII (2) of the Fundamental Law and Act CXIII of 2003 on the Election of Members of the European Parliament – serve the purpose of compliance with the document annexed to Council Decision 76/787/ECSC, EEC, Euratom on the Act concerning the election of the representatives of the Assembly by direct universal suffrage.

174 Amending provisions

Section 356-363

Section 364

Item 11 of Section 459 (1) of Act C of 2012 on the Criminal Code shall enter into force supplemented by the following item 1):

“1) members of election commissions;”

Section 365-366

175

Section 367

Annex 1 to Act XXXVI of 2013

The content of the register of polling districts and constituencies

The register of polling districts and constituencies shall contain:

a) the serial number of parliamentary single-member constituencies, the number of voters in each constituency, the names of settlements in the constituency, and, in the case of settlements with more than one single-member constituency, the serial number of polling districts in the constituency;

b) in settlements with more than ten thousand inhabitants, the serial number of municipality single-member constituencies, the number of voters in each constituency, and the serial number of polling districts in the constituency;

c) the serial number of each polling district in each settlement, the addresses that belong to each polling district, the number of voters in each polling district and the address of the polling station of each polling district;

d) the name of the polling district selected pursuant to Section 78;

e) the address of polling stations of national minority polling districts;

f) the address of the vote collection location referred to in Section 281 (1);

g) information on whether the polling station is accessible;

h) a map of the polling districts and constituencies;

i) an indication of which national minorities have thirty or more members in the settlement based on the data supplied in response to the questions on membership in national minorities in the most recent census, summarised by national and national minorities.

## Annex 2 to Act XXXVI of 2013

The content of the central electoral register

The central electoral register shall contain:

a) the voter's name and birth name;

b) the voter's personal identification number;

c) the voter's Hungarian address and residence;

d) the voter's mother's name;

e) the voter's date and place of birth;

f) in the case of a voter with no Hungarian address who has no personal identification number, the type and number of the document proving Hungarian citizenship;

g) the indication of which election and which constituency the voter has the right to vote in, and in which election the voter may stand as a candidate;

h) an indication of the settlement and single-member constituency in which the voter was listed in the polling district electoral register on the day of the last election of representatives and mayors of municipality;

i) in the case of voters listed in the register with regard to the election of the Members of the European Parliament as the citizen of another European Union member state, also:

ia) nationality;

ib) if available, the name of the settlement or constituency where the applicant was last entered into the electoral register in the state of their citizenship;

j) in the case of voters registered as national minority voters, an indication of:

ja) which national minority the voter is listed as belonging to;

jb) whether the listing as a national minority voter also covers the election of Members of Parliament;

k) an indication of the type of assistance requested by voters with a disability pursuant to Section 88, if any;

l) the content of the declaration pursuant to Section 89;

m) the voter's address, e-mail address or fax number registered pursuant to Section 92 (2), or, in the absence thereof, the contact address listed in the records of citizens' personal data and addresses;

n) the name of the constituency and the polling district;

o) the enrolment date of voters without registered domicile in Hungary, furthermore entry date of actions pursuant to Section 97 (1) b) in the central electoral register;

p) if a voter with no Hungarian address requested to collect the voting package in person, the indication of the settlement where the voting package is to be collected.

### Annex 3 to Act XXXVI of 2013

The content of the polling district electoral register

The polling district electoral register shall contain

a) the name of the election;

b) the date of voting;

c) the settlement and constituency;

d) the serial number of the polling district;

e) the address of the polling station;

f) the voter's

fa) name;

fb) birth name;

fc)

fd)

fe) personal identification number

ff) address in Hungary;

- fg) request for assistance pursuant to Section 88;
- fh);
- g)
- h) the number of voters listed in the polling district electoral register,
- i) in cases according to Section 257 (1b) a notice that the voter is only able to vote by a single-member constituency ballot.

#### Annex 4 to Act XXXVI of 2013

The content of the register of nominating organisations, candidates and lists

The register of nominating organisations, candidates and lists shall contain

- a) nominating organisations':
  - aa) name and seat;
  - ab) abbreviated name;
  - ac) logo;
  - ad) type;
  - ae) representative's name and address, and the extent of his or her representation rights;
  - af) representative empowered to notify the list (name, address and extent of representation rights);
- b) candidates':
  - ba) name and address;
  - bb) personal identification number;
  - bc) status as an independent, or nominating organisation (as an individual or list candidate);
  - bd) declaration if they only wish to have one given name listed on the ballot paper or wish the "dr." title to be omitted;
  - be) declaration if they wish their name to be listed on the ballot paper in the language of their national minority;
  - bf) profession in the case described in Section 157 (2);
- c) the organisation putting forward the list;
- d) other information required by Ministers Decree not categorised as personal data.

The register shall contain information on which election each nominating organisation, candidate and list was registered for, which constituency each candidate will stand in, and which constituency each list will stand in.

#### Annex 5 to Act XXXVI of 2013

The content of single-member constituency ballot papers

Single-member constituency ballot papers shall contain:

- a) the text "szavazólap" (ballot paper);
- b) a space marked for stamping in the top left corner;
- c) the name of the election;
- d) the date of voting;
- e) the name of the constituency;
- f) an indication of how many candidates may be selected in a valid vote;
- g) the number of the candidate;
- h) the candidate's name;
- i) a circle for the vote mark;
- j) the name of the nominating organisation or the text "független jelölt" (independent candidate);
- k) information on the formal requirements for a valid vote.

#### Annex 6 to Act XXXVI of 2012

The content of list ballot papers

List ballot papers shall contain:

- a) the text "szavazólap" (ballot paper);
- b) a space marked for stamping in the top left corner;
- c) the name of the election;
- d) the date of voting;
- e) the name of the constituency;
- f) an indication of whether ballots with votes for more than one list are valid;
- g) the number of each list;
- h) a circle for the vote mark;
- i) the name of each nominating organisation

- j) the names of the first five candidates of each list;
- k) information on the formal requirements for a valid vote.

#### Annex 7 to Act XXXVI of 2013

##### The content of registers at foreign representations

Registers at foreign representations shall contain:

- a) the name of the election;
- b) the date of voting;
- c) the name of the foreign representation;
- d) the voter's:
  - da) name;
  - db) personal identification number;
  - dc) birth name;
  - dd)
  - de)
  - df)
- e) information on which ballot papers should be supplied to the voter;
- f) the number of voters listed in the foreign representation electoral register.

#### Annex 8 to Act XXXVI of 2013

##### The content of the register of postal voters

The register of postal voters shall contain:

- a) the name of the election;
- b) the date of voting;
- c)
- d) the voter's
  - da) name;
  - db) personal identification number, or, if the voter does not have one, the type and number of the document proving Hungarian citizenship;
  - dc)
  - dd) mother's name;
  - de) place and date of birth;

df)

dg) contact address;

e)

f)

g) the number of voters listed in the register of postal voters.