

Act C of 1997 on Electoral Procedure (abstract issue)

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

PART ONE GENERAL PROVISIONS

CHAPTER I FUNDAMENTAL RULES

The aim of the Act

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

The scope of legitimate application

§ 2 This Act shall be applied with regard to

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

The basic principles of electoral procedure

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

- a) to safeguard the fairness of elections, to prevent electoral frauds;
- b) voluntary participation in the nomination, election campaign, voting;
- c) equal opportunities for candidates and nominating organisations;

- d) exercise of rights in good faith, according to rules;
- e) option and impartial adjudication of legal remedy;
- f) fast and authentic determination of the results of the elections.

General rules

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

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

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

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

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

CHAPTER II THE PUBLICITY OF THE ELECTORAL PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

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

c) may lodge a reserve,

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

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

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

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

§ 8 (1)

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

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

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

CHAPTER III CONSTITUENCIES, ELECTORAL DISTRICTS

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

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

§ 10 (1) The number, sequence number and territorial division of electoral districts as well as the address of polling stations shall be determined by the head of the local election office in such fashion that approximately six

hundred but maximum one thousand-two hundred voters should fall on each electoral district, and there shall be at least one electoral district in each settlement. In January of each year, the head of the local election office shall review the number, sequence number and territorial division of the electoral districts. The head of the local election office shall normally monitor changes in the setting up of electoral districts, and take the necessary measures.

(2) At settlements with two or more electoral districts, the head of the local election office shall assign an electoral district where voters whose address contain, pursuant to the rules of law on reporting address, only the name of the given settlement and voters with the certificate will vote. If there are two or more constituencies at the settlement, the head of the local election office shall assign the electoral district that falls under the constituency selected by him or her by a draw. The decision on assigning the electoral district shall be made public on the web site of the National Election Committee and the way locally customary until the 5th day after the election has been called.

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

CHAPTER IV REGISTERING THE RIGHT TO VOTE

The register

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

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

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

- a) first name(s) and family name (in the event of women, also the maiden name);
- b) personal identification number;
- c) address;
- d) sequence number in the register;
- e) the date of birth of the voters having identical names and addresses; or, in the event that their date of birth is identical, other natural identification data.

Displaying the register publicly

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

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

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

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

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

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

The modification of the register

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

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

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

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

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

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

(2) The head of the local election office shall immediately inform the head of the local election office of the former domicile to ensure deletion from the register. The head of the local election office of the former domicile shall

ex officio inform the head of the local election office of the new domicile about the fact that the voter

a) was listed in the register; or

b) was listed in the register of major citizens disfranchised, and the reason thereof; or

c) has been given a certificate pursuant to § 89 or 104; or

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

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

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

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

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

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

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

The register of major citizens disfranchised

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

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

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

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

(2) The information pursuant to paragraph (1) shall contain the citizen's:
a) first name(s) and family name (in the event of women, also the maiden name);
b) personal identification number;
c) the reason for, commencement and expected termination of the exclusion from exercising suffrage.

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

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

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

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

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

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

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

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

§ 20 The register of major citizens disfranchised is not public; it may be

inspected by no other than the relevant person, the court, the election committee and the members of the election office.

The register at foreign representations

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

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

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

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

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

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

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

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

representations.

(2) The National Election Office will forward the data of the register at foreign representations to foreign representations in such fashion that only the election office at the foreign representation could have access to its data. The election office at the foreign representation will print and authenticate the register at foreign representations. The register at foreign representations shall not be modified. After closing the register at the foreign representation the National Election Office shall immediately provide the nominating organisations with information, split per foreign representations, on the number of voters included in the register at the foreign representation.

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

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

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

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

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

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

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

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

CHAPTER V ELECTION BODIES

Election committees

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

(2) Election committees:

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

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

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

Members of the election committee

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

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

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

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

§ 23 (1) The three members of the ballot counting committee and the necessary alternate members shall be elected by the body of representatives of the settlement municipality subsequent to calling the general elections of members of parliament, the latest on the 20th day prior to polling day; and the head of the local election office shall submit a motion on their person. At

settlements having one constituency, no separate ballot counting committee shall be elected [Section § 31 (2) 1)].

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

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

(4) The five members and the necessary alternate members of the National Election Committee shall be elected by the Parliament; and the minister responsible for conducting elections and referendums (hereinafter referred to as minister) shall, taking the parties' recommendations into consideration, submit a motion on their person.

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

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

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

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

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

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

(3) The commission of the members delegated pursuant to § 25 into National Election Committee by the parties setting up a representative group at the

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

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

- a) if the statutory conditions of the commission ceases;
- b) if the election committee has ascertained the incompatibility of its member;
- c) through resignation;
- d) by withdrawing the commission.

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

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

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

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

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

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

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

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

The decision of the election committee

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

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

Establishing the facts of the case

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

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

(3) The election committee will at the applicant's request, ensure the option of making an oral statement. In this case, the option of making an oral statement shall be also made available to the adverse party.

Resolution

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

(2) The resolution shall contain

- a) the name of the election committee, the number of the resolution,
- b) the applicant's name and address (seat),
- c) the description of the subject of the case,
- d) in the operative clause, the decision of the election committee; information about the option of lodging an appeal (submitting an application for judicial review),
- e) in the reasons, the facts of the case established and the evidences accepted as the bases thereof, the demonstration indicated by the applicant

but dispensed with and the reasons for such dispensation, and the specific sections of rules of law that provide legal ground for the committee to adopt its resolution.

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

Communicating the resolution

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

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

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

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

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

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

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

The ballot counting committee

§ 30 The ballot counting committee shall consist of minimum five members. The ballot counting committee assigned for voting with certificate shall consist of minimum seven members.

The local election committee

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

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

Parliamentary single mandate constituency election committee

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

Regional election committee

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

National Election Committee

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

Election offices

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

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

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

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

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

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

(2) Representatives, chairmen of county general assemblies, mayors, members of election committees, persons running as candidates in the constituency and

their kin, or members of nominating organisations putting forward candidates in the constituency shall not be members of the election office.

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

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

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

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

§ 39 (1) The professional activity of election offices shall be controlled by the minister through the head of the National Election Office.

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

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

CHAPTER VI ELECTION CAMPAIGN Campaign period

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

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

Infringement of the campaign silence period

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

Posters

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

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

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

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

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

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

Meeting

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

(2) For the purposes of the election campaign, state and local government budgetary agencies may make premises and other necessary equipment available to candidates, nominating organisations under equal conditions. In buildings serving as premises for public or local government authorities its is

prohibited to run any election campaign, hold meetings, except for settlements with less than five hundred inhabitants, provided that no other community building is available for this purpose.

Radio and television transmission

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

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

Legal remedy regarding media campaign

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

- a) regarding not nationally distributed periodicals or local provision of programs, by the competent local election committee of the seat or address of the publisher or the program provider,
- b) regarding regional provision of programs, by the competent regional election committee of the seat or address of the program provider,
- c) regarding periodicals distributed nationally, news agencies or nationwide provision of programs, by the National Election Committee.

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

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

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

Supply of data

§ 45 (1) The central office of the particulars and address register shall deliver the first name(s) and family name and address of voters indicated in the register to the candidates, nominating organisations at their request, for payment of a fee, under equal conditions, after the 20th day prior to polling

day. It is possible to apply for such data split per gender, age group or address.

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

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

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

CHAPTER VII PROPOSAL

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

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

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

(4) Proposals may not be withdrawn.

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

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

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

(2) Proposal coupons may not be collected:

a) at places of work during working hours, or while one is fulfilling his or her obligations to perform work arising from employment or other legal relation concerning performance of work;

b) from persons in service relation with the Hungarian Army and law enforcement agencies, at the place of service, or while they fulfil tasks of service;

c) on means of public transport;

d) in the official rooms of public or local government bodies.

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

Joint candidate

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

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

Invalid proposals

§ 50 (1) Proposals which have been

a) submitted not on official proposal coupons;

b) submitted not on proposal coupons filled in pursuant to Section § 47 (2);

c) collected by infringing the rules of proposing shall be invalid.

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

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

Notification of the nominating organisation

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

a) to the National Election Committee if the nominating organisation intends to put forward a candidate or set up a list in several counties, or both in the area of the capital and in the territory of some county;

b) to the regional election committee if the nominating organisation intends to put forward a candidate only in one county, or within the area of the capital but in several parliamentary single mandate constituencies, or at several settlements;

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

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

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

Notification of the candidate

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

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

a) has right to vote;

b) has accepted the nomination;

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

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

Notification of the list

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

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

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

Checking proposals

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

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

Registering the nominating organisation, the candidate and the list

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

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

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

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

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

Provisions regarding the candidate

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

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

Protection of data related to proposals

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

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

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

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

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

CHAPTER VIII VOTING

Time, date and venue of voting

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

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

(3) In order to make it possible for them to vote, voters hindered in motion will be at their request visited by at least two members of the competent ballot counting committee with a mobile ballot-box within the area of competence of the ballot-counting committee; and if they intend to vote with certificate they will be entered in the register by them. A mobile ballot-box may be requested in writing by the voter from the head of the local election committee, and from the competent ballot-counting committee on the day of voting. Conducting voting with mobile ballot-box shall fall within the competence of the ballot counting committee of the address of the voter, or, for voters voting with certificate, of the ballot counting committee assigned pursuant to Section § 10 (2) with competence covering the entire area of the settlement. Inclusion of voters hindered in motion and voting with certificate in the register will be checked subsequently by the ballot counting committee assigned pursuant to Section § 10 (2).

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

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

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

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

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

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

set forth in paragraph (4).

Commencement of voting

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

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

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

The process of voting

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

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

§ 66 (1) No other than voters included in the register may vote at the polling station.

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

(3) The ballot counting committee shall not enter voters in the register. The ballot counting committee assigned for voting with certificate will enter the voter in the register who has a certificate that applies to the settlement.

(4) The ballot counting committee shall refuse voters who

a) cannot properly verify their identity and address,

b) are not included in the register, and

ba) have no certificate,

bb) have a certificate, but requests to be entered in the register by a ballot counting committee other than the one assigned for voting with certificate.

(5) The ballot counting committee shall draft a list of the voters whose entry

in the register has been refused.

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

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

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

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

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

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

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

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

(3) The ballot-paper

- a) to which no official seal has been affixed;
 - b) which contains more votes than defined by law
- shall be invalid.

(4) The ballot which

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

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

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

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

person may the committee issue a new ballot-paper to replace a ballot-paper incorrectly filled in.

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

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

Voting at foreign representations

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

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

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

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

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

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

§ 71/B (1) The election office at the foreign representation shall, on the grounds of a certificate issued by a Hungarian authority suitable for establishing identity, establish the identity of the citizen who intends to

vote, and if they are included in the register at the foreign representation. Anyone who cannot prove his or her identity as set forth above, or is not included in the register at the foreign representation shall be refused.

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

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

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

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

Forwarding ballots cast at foreign representations

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

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

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

CHAPTER IX AGGREGATING BALLOTS

Counting ballots

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

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

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

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

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

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

(7) Ballots shall be counted at least twice. Repeated counting shall be pursued until its result becomes identical with the result of any former counting. This result and the fact of repeated counting shall be recorded in the minutes.

Determining the result

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

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

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

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

- a) the unlawful nature of the decision of the ballot counting committee determining the electoral district results, or
- b) the violation of the rules of aggregating the electoral district results and determining the election results.

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

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

Checking voting documents of foreign representations

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

(2) The voting documents shall be invalid if

- a) the voter is not included in the register at the foreign representation,
- b) the voter has not signed the outside envelope, and the envelope has not been sealed or is damaged,
- c) the statement on voting or the inside envelope containing the ballot is missing from the envelope,
- d) the inside envelope has not been sealed,
- e) the statement does not contain the voter's particulars or signature,
- f) the voter's particulars indicated on the statement differ from the particulars indicated in the register at foreign representations,
- g) the statement does not contain the authentication of the election office.

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

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

Minutes

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

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

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

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

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

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

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

Data sheet

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

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

CHAPTER X LEGAL REMEDIES

Reserves

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

(2) Reserves shall contain

- a) the description of the violation,
- b) the evidences of the violation,
- c) the name, address (seat) and, if it is different from the address (seat), the postal notify address of the person having submitted the reserve,
- d) at his/her discretion, either the fax number or the electronic e-mail address of the person submitting the reserve, or the name and fax number or electronic e-mail address of the agent to receive service of process.

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

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

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

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

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

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

- a) establish the fact of violation,
- b) bar the violator from further violation,
- c) annul the election procedure or the part thereof affected by the violation,

and cause it to be repeated.

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

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

Appeals

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

(2) The appeal may be lodged

a) by referring to violation of rules of law, or

b) against the resolution of the election committee adopted in its discretionary jurisdiction.

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

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

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

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

(4) The appeal shall contain

a) the grounds for the appeal pursuant to Section § 79 (2),

b) the name, address (seat) and, if it is different from the address (seat), the postal notify address of the person having submitted the appeal,

c) at his/her discretion, either the fax number or the electronic e-mail address of the person submitting the appeal, or the name and fax number or electronic e-mail address of the agent to receive service of process.

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

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

(7) The appeal together with all of its documents shall be laid before the election committee entitled to adjudge it on the day it is received. When

introducing the appeal, the election committee acting as a body of first instance may make a statement on its standpoint taken on the appeal.

Appellate procedure

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

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

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

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

a) sustain the resolution contested by the appeal, or will

b) change it.

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

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

Judicial review

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

(2) The application for judicial review may be submitted

a) by referring to violation of rules of law, or

b) against the election committee's resolution adopted in its discretionary jurisdiction.

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

(4) Applications for judicial review may be withdrawn.

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

(2) Applications for judicial review shall be submitted in such fashion that

they are received the latest in three days from the adoption of the resolution contested by the election committee defined in paragraph (1).

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

(4) The application for judicial review shall contain

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

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

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

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

Judicial review procedure

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

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

(3) The application for judicial review will be decided by the court in three days from the day it is laid before it.

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

(5) The application may not be dismissed if the appellant has submitted it within the defined time frame to the court entitled to adjudge it. In this case, by directly contacting the head of the regional election office, the

court shall immediately arrange for obtaining the documents and allow the election committee to submit its standpoint taken on the application for judicial review.

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

(7) The court will

- a) sustain, or
- b) change the resolution contested.

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

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

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

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

PART TWO SPECIAL PROVISIONS

Registration of suffrage

§ 89 (1) Voters who are away from their address but stay on the territory of Hungary on polling day may by presenting a certificate obtained from the head of the local election office of their address request of the head of the local election office, or, on polling day, the ballot counting committee of the settlement where they stay on the polling day to enter them in the register. On the strength of such certificate, citizens may vote at the settlement in Hungary where they stay. The purpose of requesting the certificate shall not be influencing the election results through abusing the right.

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

(3) In order to issue the certificate, the person requesting the certificate

shall disclose his/her name, personal identification number, address, the name of the settlement where he/she stays on polling day, and shall state if he/she requests the certificate for the first or the second, or both rounds of the election.

(4) In the certificate the head of the local election office shall record the voter's name, personal identification number, address, the specification of the constituency of his/her address, the settlement where the voter intends to vote, the specification of the constituency, and the address of the polling station assigned for voting.

(5) When issuing the certificate, the head of the local election office of the address shall enter the voter in a special register, and simultaneously delete the voter from the register; shall reord the specification of the settlement and constituency the certificate applies to in the registerand, if the certificate applies only to the first round, also in the register of the second roundand shall send the special register after the deadline determined in paragraph (6) has expired to the National Election Office. Receipt of the certificate shall be acknowledged by the voter, or the person appointed by the voter on the strength of an authorisation made out for this purpose, by signature.

(6) Until the third day preceding the fist round of the election, the head of the local election office will at the voter's request re-enter the voter in the register whom he had deleted therefrom due to issuance of the certificate. Voters may request to be re-entered in the register of their domicile on one occasion.

(7) On the grounds of the certificate and a card suitable for proving identity and address, the head of the local election office of the place of residence or the ballot counting committee of the polling station assigned for voting with certificate shall enter the voter in the register and in a special register. The certificate shall be withdrawn from the voter, except for the case set forth in paragraph (8), and the certificate and the special register shall be preserved as part of the election documents.

Aggregating ballots

§ 99/0. (1) The ballots cast at foreign representations are counted by the National Election Committee. The result of the voting at foreign representations is determined by the National Election Committee in aggregated minutes.

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

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

elections.

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

CHAPTER XIII GENERAL REFERENDUM

§ 116 The provisions of Chapters I–X and Sections § 89 (1)–(7), § 99/0 shall be applied in national referendums in compliance with the deviations set forth in this Chapter.

Initiating the referendum

§ 117 (1) The National Election Committee shall attest the signature-collecting sheet, and the question complying with legislative conditions in thirty days from submission.

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

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

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

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

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

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

§ 118/A (1) If the collection of signatures has not been completed before the 41st day prior to the date of the general parliamentary elections and the elections of the representatives and mayors of local governments, the

signature-collecting sheets containing the signatures collected until then shall be delivered to the National Election Committee the latest before the 40th day prior to election day. The collection of signatures shall be discontinued during the period determined in Section § 3 (2) of Act III of 1998 on National Referendum and Popular Initiative.

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

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

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

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

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

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

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

Ordering and calling the referendum

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

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

(3) The referendum may be also called for a date within the 43 days period pursuant to paragraph (2), if the President of the Republic has already called a referendum regarding another matter, and there are at least 20 days left before its date, and the simultaneous conducting of the referendum regarding the new issue does not endanger the legality of voting.

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

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

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

Election bodies

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

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

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

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

The powers of election committees

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

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

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

(3) The National Election Committee shall

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

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

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

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

Voting

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

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

Aggregating the ballots

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

(2)

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

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

Legal remedy

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

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

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

PART THREE CLOSING PROVISIONS

CHAPTER XVII EXPLANATORY PROVISIONS

§ 149 When applying this Act

a) state leader shall mean persons subject to the force of the law on the legal status and responsibility of the members of the Government and state secretaries;

b) county/capital-clerk shall mean the county, capital recorder;

c) independent candidate shall mean a candidate nominated not by a nominating organisation;

- d) kin shall mean lineal kin and spouse thereof; adoptive and foster-parent; adopted and foster-child; sibling, spouse, common-law companion; lineal kin, sibling of spouse; and sibling's spouse;
- e) clerk shall mean settlement clerk, district clerk;
- f) type of nomination shall mean single mandate constituency, regional list, national list nomination in the election of Members of Parliament; list nomination in the election of the Members of the European Parliament; mayors' /the Mayor's of the capital, common regional list, single mandate constituency, compensation list, county/metropolitan list nomination in the election of the representatives and mayors of local governments; settlement minority municipality, regional minority municipality, national minority municipality nomination in the election of the representatives of minority municipalities;
- g) nominating organisation shall mean political parties registered pursuant to Act XXXIII of 1989 on the Operation and Financial Functioning of Political Parties, and non-governmental organisations registered pursuant to Act II of 1989 on the Freedom of Association; nominating organisations putting forward joint candidates or setting up joint lists shall be considered one nominating organisation;
- h) representative shall mean Members of Parliament, Members of the European Parliament, members of the body of representatives of settlement municipalities, members of county general assemblies, members of the metropolitan general assembly, members of minority municipalities;
- i) persons submitting initiatives shall mean in the event of referendums initiated by citizens and popular initiatives the organisations, or private persons that have submitted the initiative;
- j) ;
- k) minority organisation shall mean a nominating organisation pursuant to the Act on the Election of the Representatives of Minority Municipalities;
- l) posters shall mean election placards, advertisements, notices, handouts, projected images, flags, emblems irrespective of the carrier material;
- m) mayor shall mean the mayor of the settlement, the Mayor of Budapest;
- n) settlement shall mean communities, towns/cities, cities having county rights, districts of the capital;
- o) election campaign shall mean the statement of the election program; the promotion of candidates, lists, nominating organisations; the organisation of election meetings; the placement of posters; the use of volunteers.
- p) first name and family name shall mean the name used in marriage, the first name and family name at birth;
- q) domicile shall mean the address of the flat or, for lack of it, except for Hungarian citizens and non-Hungarian citizens living abroad, of the rooms, abode used in need that the voter uses as his/her home on a regular basis in his/her normal life, if he/she has notified it to the particulars and address register as address.

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

CHAPTER XVII THE ENTRY INTO FORCE AND IMPLEMENTATION OF THE ACT

Entry into force

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

§ 151

Authorisation

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

§ 153 (1) The Minister shall be authorised to determine under decree:

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

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

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

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