

# Act XXXVI of 2013

## on election procedure

### GENERAL PART *Chapter I*

#### *BASIC RULES*

#### **1. Scope of the Act**

**Section 1** This Act shall apply in Hungary and outside the territory of Hungary to the following:

- a) election of the Members of the National Assembly,
- b) election of the local government representatives and mayors,
- c) election of the national minority self-government representatives,
- d) election of the Members of the European Parliament,
- e) any process to which this Act applies under an Act (the terms referred to in points a) to e) hereinafter jointly the “election”).

**Section 1/A** If multiple general elections are to be held on the same day, they shall be conducted as a single proceeding (hereinafter “joint proceeding”).

#### **2. Principles of election procedure**

**Section 2** (1) In the application of the rules of election procedure, the following principles shall be observed:

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

(2) The data available to election bodies shall be public, unless otherwise provided in an Act.

(3) In the period between setting a date for an election and the result of the election becoming final and binding, the election bodies shall apply the provisions of the Act on the right to informational self-determination and on the freedom of information with the derogation that requests for data of public interest and data accessible on public interest grounds regarding the relevant election shall be met without delay, but within not more than 5 working days.

(4) If the person concerned so requests, the election office shall only give information on those personal data contained in the recommendation sheets that have been verified according to section 125 (3).

### 3. Interpretative provisions

**Section 3** (1) For the purposes of this Act,

1. *voter with a disability* means a voter who has significantly limited or no sensory abilities, especially vision and hearing, or significantly limited or no locomotor abilities or mental capacity, or who has considerably limited communication abilities, and this puts him at a permanent disadvantage in terms of actively participating in social life,

2. *relative* means a spouse, a registered partner, a cohabitant, a lineal relative or the spouse or registered partner of a lineal relative, an adopted, step or foster child, an adoptive, step or foster parent, a sibling, a lineal relative or sibling of a spouse or registered partner, and the spouse or registered partner of a sibling,

3. *nominating organisation* means

a) for the election of the Members of the National Assembly, a political party which is recorded with final and binding effect in the court register of non-governmental organisations when the election date is set, as well as a national self-government of a national minority;

b) for the election of the Members of the European Parliament, a political party which is recorded with final and binding effect in the court register of non-governmental organisations at the time when the date for the election is set;

c) for the election of local government representatives and mayors, a political party or association, not including a trade union, which is recorded with final and binding effect in the court register of non-governmental organisations when the election date is set;

d) for the election of the national minority self-government representatives, a national minority organisation which is recorded with final and binding effect in the court register of non-governmental organisations when the election date is set,

provided that the election commission entered it into the register of nominating organisations,

4. *representative* means a representative who has been elected at an election, a national minority advocate and a mayor,

5. *address in Hungary* means the address of a registered domicile in Hungary; for a person with no registered domicile in Hungary or abroad, the address of a registered place of residence in Hungary,

5a. *delivery agent* means a person authorised to deliver an application and to receive a decision by the election body,

6. *foreign mission* means a diplomatic and consular mission of Hungary operating abroad, established by a decision of the Government,

7. *proxy* means a person duly authorised to this end by way of administrative setting or in a public deed or a private deed of full probative value,

8. *Minister* means the Minister responsible for regulating elections and referendums,

9. *name* means married family and given name or, in the absence thereof or for the name of mother, family name and given name at birth,

10. *national-level media service* means a media service that is available for at least fifty per cent of Hungary's inhabitants,

11. *mayor* means a mayor or the Capital Mayor,

12. *official identity verification card* means a valid identity card, passport or driving licence issued by a Hungarian authority,

13. *settlement* means a village, a town, a district seat town, a town with county rights or a district of the capital,

14. *settlement-based domicile* means a domicile regarding which the register of personal and address data of citizens contains the note "*lakcím nélküli*" ("no address") alongside the name of the settlement,

15. *election body* means an election commission or an election office.

16. *foreign support* means financial contribution from another state, a foreign natural or legal person or organisation without legal personality.

(2)

#### **4. International observers**

**Section 4** (1) Observers from other states, intergovernmental organisations, international non-governmental organisations or associations who are registered with the National Election Office to observe the elections

a) may observe the entire election process and be present while the election bodies carry out their work,

- b) may inspect the documents of the election commissions and request copies thereof, with the proviso that these copies shall not contain personal data,
- c) may put questions to members of election bodies and call their attention to irregularities that they detected,
- d) shall not hinder or interfere in the election process and the activities of the election bodies,
- e) shall wear the registration badge supplied by the National Election Office where it can be easily seen during their activities,
- f) shall carry out their activities impartially.

(2) The National Election Office shall keep a register of international observers. The register shall contain the name, place of birth and date of birth of the international observers as well as the name of the delegator. The National Election Office shall publish the names of international observers as well as the names of the delegators on the official website of the elections.

(3) Decisions on the registration and deregistration of international observers shall be made by the president of the National Election Office; no legal remedy shall lie against these decisions.

(4) International observers shall be notified to the National Election Office nine days before voting day at the latest.

## **5. Observers at foreign missions**

**Section 5** (1) Each nominating organisation nominating a candidate and each independent candidate may delegate not more than two observers to each foreign mission. Nominating organisations that nominate joint candidates may jointly delegate not more than two observers.

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

(3) Observers at foreign missions shall be notified to the National Election Commission ten days before the voting day in Hungary at the latest, providing their name and personal identifier, or, in the absence of the latter, the type and number of the official identity verification card. The National Election Commission shall enter the observers at foreign missions into a register. The National Election Office shall send the name and personal identifier, or, in the absence of the latter, the type and number of the official identity verification card, of the observers at foreign missions to the head of the election office at the relevant foreign mission.

(4) Observers at foreign missions who are registered with the National Election Commission may be present while the foreign mission election office carries out its work. Observers at foreign missions

- a) may observe the work of the foreign mission election office,
- b) shall not interfere in or hinder the voting and the work of the foreign mission election office either actively or by way of implied conduct,
- c) may record their comments in the minutes drawn up on the closing of voting,
- d) may lodge objections,
- e) may sign the sealed ballot box after the closing of the voting,
- f) shall wear a registration badge in the polling station.

(5) The costs related to the delegation and activity of observers at foreign missions shall be borne by the delegator referred to in paragraph (1).

## **6. Setting the election date**

**Section 6** (1) Election date shall be set so that the voting day in Hungary falls between the seventieth and ninetieth day after the day when the election date is set.

(2) Voting shall be held on a Sunday.

(3) Voting day shall not fall on a public holiday according to the Labour Code, or on Easter Sunday or Whit Sunday.

**Section 7** If the election commission or the court orders the voting to be repeated, it shall set the repeated voting for a date within thirty days of the day of the voting to be repeated in its conclusive decision.

**Section 8** (1) By-elections shall be set for a date within one hundred and twenty days from

- a) the day the seat becomes vacant,
- b) the date set for the voting if the election is inconclusive or cannot be held due to the insufficient number of candidates.

(2) A day shall not be set as the date of

a) a by-election of the Members of the National Assembly if it falls between 1 April in the year preceding the year of the general election of the Members of the National Assembly and the day of the general election of the Members of the National Assembly,

b) a by-election of the local government representatives and mayors if it falls between 1 April in the year preceding the year of the general election of the local government representatives and mayors and the day of the general election of the local government representatives and mayors,

c) a by-election of the national minority self-government representatives if it falls between 1 April in the year preceding the year of the general election of the national minority self-government representatives and the day of the general election of the national minority self-government representatives.

## **Section 9**

### **7. Calculation of time limits**

**Section 10** (1) The time limits specified in this Act shall be terms of preclusion.

(2) Time limits shall be calculated in calendar days.

(3) Time limits shall expire on the last day at 16.00. Time limits for a decision by the election commission shall expire at 24.00.

(4) Procedural acts performed after 16.00 shall be considered to have been performed on the next day, except for procedural acts carried out by election bodies.

**Section 11** (1) For general elections, the calendar dates for the time limits referred to in this Act shall be determined by the Minister by means of a decree, and for by-elections, they shall be determined by the election commission that set the election date by means of a conclusive decision.

(2) If a time limit referred to in this Act is to expire on a public holiday, the Minister by means of a decree or the election commission that set the election date by means of a conclusive decision may set the calendar date for the expiry of the time limit on the working day before or after that day.

### **8. Costs of the election process**

**Section 12** The costs for implementing state tasks regarding the preparation and conduct of the elections as well as other costs relating to the activities of election bodies shall be financed from the central budget to the extent determined by the National Assembly. The State Audit Office shall inform the National Assembly of the use of these funds.

### **9. Account**

**Section 13** (1) After general elections, the president of the National Election Office shall give an account to the National Assembly of the organisation and implementation of state tasks regarding the elections.

(2) After general elections, the chair of the National Election Commission shall give an account to the National Assembly of the activities by the National Election Commission during the elections.

### **9/A. Deprivation of suffrage**

**Section 13/A** (1) In its judgment relating to placement under custodianship partially or fully limiting capacity to act or delivered on the basis of a review procedure, the court shall be required to decide on the issue of deprivation of suffrage as well.

(2) The court shall deprive an adult of suffrage if, due to his mental disorder, his ability required for exercising suffrage

a) is significantly reduced permanently or in a temporarily recurring manner, or

b) is lost permanently and completely.

(3) If the court does not deprive an adult of suffrage, then the person placed under custodianship shall exercise suffrage personally and shall have the power to independently make valid juridical acts in the context of exercising these rights.

(4) Persons entitled to bring an action for the termination of placement under custodianship may request that the deprivation of suffrage of the adult placed under custodianship be terminated, even if paragraph (1) does not apply.

### **9/B. Repeated voting**

**Section 13/B** (1) Where voting is repeated, the GENERAL PART shall apply with the derogations specified in this section.

(2) Those entitled to delegate members to a polling station commission may, by the fifth day before voting day, notify delegated members to the polling station commission where during the voting that is to be repeated the number of their delegated members did not reach the maximum number.

(3) The National Election Office shall without delay disclose to voters any information relating to the repeated voting by means of a reminder.

(4) Those entitled thereto may request information from the electoral register in accordance with sections 153 to 155; the general rules shall apply to campaign activities.

(5) Candidate resignation made before 16.00 the day preceding the day of repeated voting shall be suitable for producing legal effect.

(6) If a candidate drops out or a list is eliminated after the voting that is to be repeated, the votes cast for the drop-out candidate or for the eliminated list in polling districts not affected by the repeated voting shall be declared invalid when establishing the result of the election.

## **9/C. Destruction of election documents**

**Section 13/C** The following shall be destroyed on the working day following the ninetieth day after voting day:

- a) any request relating to a polling district electoral register and any decision made during the assessment of such a request,
- b) any electronic and printed copy of a polling district electoral register, list of voters who requested a mobile ballot box, foreign mission electoral register, postal voter electoral register and a list specified in section 267/A,
- c) the data provided pursuant to sections 335 to 337,
- d) the registered personal data of observers,
- e) recommendation sheets,
- f) ballot papers, refusal lists, control sheets, postal voter identification statements and return envelopes.

## **9/D. General rules on communication**

**Section 13/D** (1) With the exceptions provided for in this Act, a request under section 2 (4), Chapter V, Chapter VI, section 250, section 259, section 261, section 307/A and section 334, and a request under Article 15 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter the “General Data Protection Regulation”) may be submitted

- a) using an electronic form, after electronic identification under the Act on the general rules on electronic administration and trust services (hereinafter the “e-Administration Act”),
- b) to any local election office in person or through a delivery agent.

(2) If the request is submitted in person, the requesting person, otherwise the delivery agent shall prove his identity, and the latter shall prove also his right to act as representative, unless he is authorised by way of administrative setting.

(3) The election office shall record in the election information system the request submitted in person or through a delivery agent and launch the procedure.

**Section 13/E** (1) The election office shall communicate its conclusive decision or procedural decision (hereinafter jointly “decision”) by sending it to the storage space under section 35 (3) of the e-Administration Act of the requesting person or, in a proceeding other than one initiated upon request, the person concerned.



(2) The election office shall communicate its decision

a) in addition to, or, where a communication under paragraph (1) of the decision is not possible, in place of, the communication under paragraph (1), and in accordance with the choices of the requesting person specified in his request

aa) to the requesting person or delivery agent who appeared in person by handing over the decision, or

ab) by sending it to an electronic contact address, or

ac) by sending it to a postal contact address; if the address is in Hungary, then as an official document, or

ad) by sending it as an official document to the address in Hungary of the requesting person,

b) where a communication under paragraph (1) of the decision is not possible, and the requesting person does not specify a communication method, or in a proceeding other than one initiated upon request,

ba) in accordance with point ad) for a person with address in Hungary,

bb) in accordance with point ab) or ac) for a person with no address in Hungary.

(3) In the case of a request under Article 15 of the General Data Protection Regulation which has been submitted in accordance with section 13/D (1) b), personal data may be transferred in accordance with paragraph (2) aa), ab) and ac) only if the requesting person submitted the request in person.

### **9/E. Automated decision making**

**Section 13/F** (1) The National Election Office shall decide

a) on requests regarding the central electoral register and the polling district electoral register,

b) on *ex officio* deregistration from the central electoral register and the polling district electoral register,

c) on requests under section 100 (2),

d) on requests under Article 15 of the General Data Protection Regulation relating to data recorded in the election information system

by adopting a conclusive decision or procedural decision by automated decision making, and in the cases referred to in points c) and d) by issuing an official certificate.

(2) The National Election Office shall automatically transfer to the registers it manages the data changes taken over from the registers referred to in section 83 (2), section 98 (2) and section 136 as well as the data transmissions between the registers it manages.

## *Chapter II*

### *ELECTION COMMISSIONS*

#### **10. Election commission**

**Section 14** (1) Election commissions shall be independent bodies serving voters that are subordinated only to the law; their primary task shall be to establish the result of the election, to ensure the fairness and lawfulness of elections, to ensure impartiality and, if necessary, to restore the lawful order of election.

(2) Election commissions shall be the following:

- a) National Election Commission,
- b) regional election commission,
- c) parliamentary single-member constituency election commission,
- d) local election commission,
- e) polling station commission.

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

(4) The National Election Commission shall consist of at least seven members; polling station commissions and the local election commissions in settlements with a single polling district shall consist of at least five members; regional election commissions, parliamentary single-member constituency election commissions and the local election commissions in settlements with multiple polling districts shall consist of at least three members.

**Section 15** (1) The members of polling station commissions and of the election commissions that count the votes shall be exempted from their obligation to work under the law on the day following the day of vote counting and shall be entitled to absence pay to be paid by their employer for that period.

(2) Employers may apply to the local election office for the reimbursement of the absence pay payable to the members of election bodies referred to in paragraph (1) and the related contributions within five days following the day of vote counting.

#### **11. Election commission members**

**Section 16** Election commissions shall consist of elected and delegated members.

**Section 17** (1) With the exceptions laid down in section 26, section 28, section 35 (3) and section 171 (1), only voters recorded in the central electoral register having an address

a) in the settlement in question or in any settlement belonging to the joint local government office may be members of the polling station commission and the local election commission, or the election commission of a settlement belonging to the joint local government office, respectively,

b) in the parliamentary single-member constituency in question may be members of the parliamentary single-member constituency election commission,

c) in the county in question or, if applicable, in the capital may be members of the regional election commission,

d) in Hungary may be members of the National Election Commission.

(2) Persons who are eligible to stand as a candidate at the election of the Members of the National Assembly may be elected members of an election commission and delegated members of the National Election Commission.

(3) Persons who have a university degree in law may be elected members and members delegated pursuant to section 27 (1) of the National Election Commission.

(4) Only persons who are eligible to stand as a candidate at the election in question may be delegated members of an election commission.

**Section 18** (1) The following may not be members of an election commission:

a) the President of the Republic,

b) the Principal of the National Assembly,

c) a representative,

d) a deputy mayor,

e) a local government clerk,

f) a member of another election commission and a member of an election office;

g) a regular and contractual soldier serving under a service relationship in the Hungarian Defence Forces, officer candidate, non-commissioned officer candidate and volunteer reserve soldier on active service, and

h) a candidate.

(2) In addition to those listed in paragraph (1), the following may not be elected members of an election commission:

- a) members of political parties,
- b) members of nominating organisations that nominate a candidate in the constituency in question,
- c) relatives of a candidate who stands for election in the constituency in question,
- d) persons serving in government service or political service relationship, a commissioner's relationship, service or other employment-related relationship at a central state administration organ within the meaning of the Act on central state administration organs and the legal status of members of the Government and State Secretaries or another administrative organ with powers within the territory of competence of the election commission, with the exception of public employees, employed persons as well as persons serving in healthcare service or public upbringing employment relationship.

(3) The cause of incompatibility and conflict of interest specified in paragraph (1) f) shall not apply to the following:

- a) a member of a parliamentary single-member constituency election commission if he is elected as a member of a local election commission operating in a settlement located in the territory of the parliamentary single-member constituency, except for a local election commission operating in a settlement with a single polling district, and
- b) a member of a local election commission operating in a settlement located in the territory of a parliamentary single-member constituency, except for a local election commission operating in a settlement with a single polling district, if he is elected as a member of the parliamentary single-member constituency election commission.

(4) A voter proposed for elected member or substitute member of an election commission shall before his being elected declare in writing that there is no incompatibility and conflict of interest with respect to him; a delegated member shall do the same before his oath-taking at the latest. If incompatibility or conflict of interest occurs with respect to a member or substitute member of an election commission, he shall inform of it the head of the election office at the election commission without delay and the election commission at its next sitting.

**Section 19** (1) The rights and obligations of elected and delegated members shall be the same, with the exceptions laid down in sections 41 (3) and 45 (5).

(1a) The delegated members of election commissions shall exercise their rights and obligations in all cases falling within the subject-matter competence of their election commission, regardless of the legal basis of delegation.

(2) The elected members of election commissions shall be entitled to honorarium.

(3) The monthly amount of the honorarium of the elected members of the National Election Commission shall be equal to eighteen times the remuneration basis of public service officials. The monthly amount of the honorarium of the chair of the National Election Commission shall be equal to thirty-one and a half times the remuneration basis of public service officials.

(4) During their service and starting from their taking the oath or affirmation, the members delegated pursuant to section 27 (1) of the National Election Commission shall be entitled to an honorarium equal to the amount of the monthly honorarium, or a *pro rata temporis* part thereof, payable to elected members of the National Election Commission.

(5) The elected members of the National Election Commission shall be entitled to the reimbursement of their justified and verified costs related to the operation of the National Election Commission as determined by the Minister in a decree.

(6) A member of the National Election Commission who was unexcusedly absent from at least 20% of the sittings in the preceding calendar year shall receive a proportionally reduced part of the honorarium determined according to paragraphs (3) and (4) for the given calendar year. The detailed rules relating to absence excuse shall be laid down in the rules of procedure referred to in section 42 (1). A reduction of the honorarium for the given calendar year shall be ordered by the chair of the National Election Commission.

## 12. Electing election commission members

**Section 20** (1) The National Assembly, on a proposal from the President of the Republic, shall elect seven members and three substitute members to the National Election Commission for nine years within ninety days prior to the expiry of the term of office of the elected members of the previous National Election Commission.

(2) The members and substitute members of the National Election Commission shall be elected with the votes of two thirds of the Members of the National Assembly present.

(3) If the first voting is inconclusive, a second voting shall be held. Should the second voting also be inconclusive, members and substitute members of the National Election Commission shall be elected with the votes of more than half of the Members of the National Assembly present. The President of the Republic may propose new candidates for the second and further rounds of voting.

**Section 21** The Budapest-Capital General Assembly and the county general assembly shall elect three members and at least two substitute members to the regional election commission between 1 October and 30 November in the year preceding the year of the general election of the local government representatives and mayors; the persons to be elected shall be proposed by the head of the regional election office.

**Section 22** The representative body in a settlement constituting the seat of a parliamentary single-member constituency shall elect three members and at least two substitute members to the parliamentary single-member constituency election commission after the date for the general election of the Members of the National Assembly is set, but not later than on the forty second day before voting day; the persons to be elected shall be proposed by the head of the parliamentary single-member constituency election office.

**Section 23** The representative body of the settlement local government shall elect three members, in a settlement with a single polling district five members, and at least two substitute members to the local election commission between 1 October and 30 November in the year preceding the year of the general election of the local government representatives and mayors; the persons to be elected shall be proposed by the head of the local election office.

**Section 24** (1) The representative body of the settlement local government shall elect the necessary number of members to the polling station commission after the date for the general election of the Members of the National Assembly is set, but not later than on the twentieth day before voting day; the persons to be elected shall be proposed by the head of the local election office. The members of the polling station commission shall be elected at settlement level.

(2) The head of the local election office shall assign the elected members to the polling station commissions for the given election after the election date is set, but not later than on the third day before voting day. The head of the local election office may modify assignment at any time, except on voting day.

(3) Three elected members shall be assigned to each polling station commission. If the number of delegated members in a polling station commission is less than two, the head of the local election office shall complement the polling station commission to ensure that it has five members.

(4) In a settlement with a single polling district, no polling station commission members shall be elected.

(5) The head of the local election office may complement a polling station commission by adding the necessary number of members if the number of voters requesting a mobile ballot box surpasses forty.

(6) The head of the local election office shall complement the polling station commission of a polling district designated under section 78 by adding the necessary number of members not later than on the third day before voting day if the number of voters recorded in the electoral register exceeds one thousand five hundred.

**Section 25** (1) No proposal for amendment shall be submitted for a proposal on the members and substitute members of an election commission.

(2) After a proposal is submitted, if the person proposed by the President of the Republic or the head of the election office

a) does not comply with the requirements specified in section 17 or in section 18,

b) passes away or

c) does not accept appointment,

the President of the Republic or the head of the election office may amend his proposal.

(3) The National Assembly, the general assembly and the representative body shall adopt its decision on the election of members and substitute members of an election commission by holding a single voting.

(4) The names of the members and substitute members of the election commission as well as the contact details of the election commission shall be made public in accordance with established local practice.

**Section 26** If the members of an election commission are not elected within the applicable time limit,

a) the parliamentary single-member constituency election commission shall appoint, on a proposal from the head of the local election office, the members for a polling station commission,

b) the regional election commission shall appoint, on a proposal from the head of the local election office, the members for a local election commission,

c) the National Election Commission shall appoint, on a proposal from the head of the parliamentary single-member constituency election office, the members for a parliamentary single-member constituency election commission, and on a proposal from the head of the regional election office, the members for a regional election commission

without delay, in a minuted decision.

### **13. Delegating election commission members**

**Section 27** (1) The political parties from which Members form a parliamentary group in the National Assembly shall each delegate an additional member of the National Election Commission.

(2) After the date for the general election of the Members of the National Assembly is set, the nominating organisations that drew up a national list, but are not entitled to delegate a member under paragraph (1) shall each delegate an additional member of the National Election Commission.

(3) After the date for the election of the Members of the European Parliament is set, the nominating organisations that drew up a list, but are not entitled to delegate a member under paragraph (1) shall each delegate an additional member of the National Election Commission.

**Section 28** (1) After the date of the election of

a) the Members of the National Assembly is set, the nominating organisations that drew up a national list,

b) the Members of the European Parliament is set, the nominating organisations that drew up a list,

c) the local government representatives and mayors is set, the nominating organisations that drew up a county list or a capital list or nominated a Capital Mayor candidate, and the independent Capital Mayor candidates

shall each delegate an additional member of the regional election commission.

(2) After the date of the general election of the Members of the National Assembly or the by-election of the Members of the National Assembly is set, the nominating organisations that nominated a candidate in a parliamentary single-member constituency and the independent candidates who stood for election in a parliamentary single-member constituency shall each delegate an additional member of the parliamentary single-member constituency election commission.

(3) The nominating organisation that nominated a candidate or drew up a list in the settlement, and the independent candidates who stood for election in the settlement shall each delegate a member of the local election commission.

(4) The nominating organisations that nominated a candidate or drew up a list in the constituency, and the independent candidates may each delegate two members of the polling station commission or, in a settlement with a single polling district, of the local election commission.

(5)

(6)

(7)

**Section 29** (1) The nominating organisations that nominated a joint candidate or drew up a joint list shall be jointly entitled to delegate the election commission members referred to in sections 27 and 28.



(2) The number of members that one nominating organisation or political party or one independent candidate may delegate to an election commission shall not exceed the number specified in sections 27 and 28. For the purposes of this paragraph, also a delegated member who has been delegated jointly by a nominating organisation that nominated a joint candidate or drew up a joint list and another nominating organisation shall be considered a member delegated by the nominating organisation concerned.

(3) One nominating organisation or political party or one independent candidate may delegate members to an election commission only on one ground, even if multiple legal grounds would be available for exercising this right.

(4) A nominating organisation that draws up a joint list with a political party entitled to delegate under paragraph (1) may also delegate a member of the National Election Commission in accordance with section 27 (2) and (3).

**Section 30** (1) The delegated members of the election commission shall be notified to the chair of the election commission, and the delegated members of the polling station commission shall be notified to the head of the local election office.

(2) Notification of the delegated members of the election commission may be made on the ninth day before voting day at the latest, with the exception of section 27 (1).

(3) The notification shall contain the name of the delegator, the delegated member's name and personal identifier, and a reference to the election commission.

(4) The delegated members of the polling station commission and, in a settlement with a single polling district, of the local election commission may be notified in person or through a representative also to the head of the parliamentary single-member constituency election office of where the local election office is located within the time limit set in paragraph (2). The head of the parliamentary single-member constituency election office shall forward the notification to the head of the local election office of where the polling station commission or local election commission concerned operates not later than on the day following its submission.

**Section 31** The election office shall verify whether the delegated member has the right of suffrage.

**Section 32** (1) If delegation does not comply with the requirements laid down by law, the chair of the election commission shall refer the case to the election commission.

(2) The election commission shall adopt a conclusive decision on whether to accept or reject delegation within three days of notification.

(3) The head of the local election office shall reject in a conclusive decision the delegation of a delegated member of the polling station commission if that delegation does not comply with the requirements laid down by law.

## **14. Termination of the mandate of election commission members**

### **Section 33** (1) In the National Election Commission, the mandate

a) of the elected members shall last for nine years from the constitutive sitting of the National Election Commission,

b) of the members delegated pursuant to section 27 (1) shall last until the day of the constitutive sitting of the National Assembly, or until the parliamentary group ceases to exist, whichever is earlier,

c) of the members delegated pursuant to section 27 (2) shall last until the day of the constitutive sitting of the National Assembly,

d) of the members delegated pursuant to section 27 (3) shall last until the result of the election becomes final and binding.

(2) If the National Assembly fails to elect the members of the National Election Commission by the expiry of the period specified in paragraph (1) a), the mandate of the elected members of the previous National Election Commission shall be extended until the constitutive sitting of the new National Election Commission.

(3) In the regional election commissions, parliamentary single-member constituency election commissions and local election commissions, the mandate

a) of the elected members shall last until the constitutive sitting of the election commission elected for the next general election,

b) of the delegated members shall last until the results of all elections connected to any nomination and drawing up of a list that can be taken into account, pursuant to section 28 (1) to (3) and section 333 (2), as legal basis for delegation to the election commission concerned become final and binding.

(4) The mandate of the elected members of the polling station commissions shall last until the election of polling station commission members elected for the next general election.

(5) The mandate of the delegated members of a polling station commission shall last until the results of all elections connected to any nomination and drawing up of a list that can be taken into account, pursuant to section 28 (4), as legal basis for delegation to the polling station commission concerned become final and binding.

**Section 34** (1) In addition to the provisions of section 33, the mandate of a member of an election commission shall terminate

a) if the conditions of the mandate set out in section 17 are no longer met,

b) if there is an incompatibility or conflict of interest under section 18,

c) upon resignation,

d) if the delegator revokes delegation,

e) if the independent candidate that delegated the member drops out or, for a member delegated by a nominating organisation, if the relevant candidate nominated by the nominating organisation drops out or the relevant list drawn up by the nominating organisation is eliminated,

f) upon the member's death.

(2) The termination of the mandate of an election commission member pursuant to paragraph (1) b) shall be established by the election commission or, for a member of the polling station commission, by the local election commission in a conclusive decision. Anyone may initiate that the termination of a mandate be established. The election commission shall decide on the initiative within three days. The member in question shall not take part in the decision making, and shall not be taken into account for the purpose of establishing the quorum.

(3) The election commission's

a) members may resign from their mandate by tendering their resignation in writing to the chair of the commission,

b) chair may resign from his mandate by tendering his resignation in writing to the president of the representative body or general assembly, or the Speaker of the National Assembly, whichever elected him as member of the commission.

Resignation may not be revoked. The mandate shall terminate on the day of receipt of the resignation.

(4) If a mandate terminates according to paragraph (1) a) and c) to f), the chair of the election commission shall announce it at the subsequent sitting of the commission.

(5) The provisions of this section shall apply also to the substitute members.

## **15. Filling a vacancy on the election commission**

**Section 35** (1) If the mandate of an elected member of an election commission terminated for a cause specified in section 34 (1) a) to c) or f), his place shall be taken by the substitute member who is listed next in the proposal for electing substitute members.

(2) If there is no substitute member, the representative body of the settlement local government or the Budapest-Capital General Assembly or the county general assembly, or, for the National Election Commission, the National Assembly shall elect a new member and substitute members.

(3) If no new member and substitute members were elected to the election commission, section 26 shall apply. If in a case referred to in section 26 a) the parliamentary single-member constituency election commission is not operating, the local election commission shall act in its place, and if in a case referred to in section 26 b) the regional election commission is not operating, the National Election Commission shall act in its place.

**Section 36** (1) If the mandate of a delegated member of an election commission terminated for a cause specified in section 34 (1) a) to d) or f), the delegator may delegate a new member to replace him.

(2) If the mandate of a substitute member terminates, the representative body of the settlement local government or the Budapest-Capital General Assembly or the county general assembly, or, for the National Election Commission, the National Assembly may elect a new substitute member.

## **16. Taking the oath or affirmation**

**Section 37** (1) The members of the election commission shall take an oath or affirmation within five days of their election or the notification of their delegation, and the members of the polling station commission shall do so not later than on the second day before voting day.

(2) The members of the election commission delegated under section 245 (4) shall take an oath or affirmation not later than on the day before voting day.

(3) Reciting the wording laid down in the Act on the oath and affirmation of certain public law officers, the elected members and substitute members of the National Election Commission shall take the oath or affirmation before the National Assembly, the delegated members of the National Election Commission before the Speaker of the National Assembly, the members and substitute members of regional election commissions before the Capital Mayor or the president of the county general assembly, and the members and substitute members of polling station commissions, parliamentary single-member constituency election commissions and local election commissions before the mayor.

(4) If the oath or affirmation is not taken within the time limit set in paragraph (1), it shall be taken before the Speaker of the National Assembly instead of the National Assembly, before the Capital Mayor or the president of the county general assembly instead of the mayor, and before the chair of the National Election Commission instead of the Capital Mayor or the president of the county general assembly. A person entitled thereto under paragraph (3) may administer the oath or affirmation even after expiry of the time limit specified in paragraph (1).

(5) If the mayor, the Capital Mayor, the president of the county general assembly or the Speaker of the National Assembly is prevented from administering the oath or affirmation, a deputy mayor or Deputy Capital Mayor elected from among the members of the representative body, a vice-president elected from among the members of the county general assembly or a Deputy Speaker of the National Assembly may also administer the oath or affirmation.

(6) The members of election commissions may exercise their rights after taking the oath or affirmation.

### **17. The constitutive sitting of the election commission**

**Section 38** (1) Election commissions, once their members are elected and have taken the oath or affirmation, shall hold a constitutive sitting. Polling station commissions shall hold a constitutive sitting within eight days before voting day, after their members are assigned. The constitutive sitting shall be convened by the head of the election office at the election commission or, for a polling station commission, the head of the local election office.

(2) The National Election Commission shall hold its constitutive sitting on the working day following the expiry of the mandate of the previous National Election Commission. In a case referred to in section 33 (2), the constitutive sitting of the National Election Commission shall be held on the day of its election.

### **18. The chair of the election commission**

**Section 39** (1) At its constitutive sitting, the election commission shall elect its chair and deputy chair from among the elected members. Candidates for chair and deputy chair shall be proposed by the members of the commission.

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

(3) If neither the chair nor the deputy chair of the polling station commission or, in a settlement with a single polling district, of the local election commission is present in the polling station on voting day, the chair's powers shall be exercised by the most senior elected member from among the election commission members as chair of age.

### **19. Election commission sitting**

**Section 40** (1) The sittings of the election commissions shall be public.

(2) The actions taken by the chair of the election commission in order to maintain order shall be binding on everyone.

(3) Minutes shall be drawn up of each election commission sitting. The minutes shall include a reference to the time and place of the sitting, the names of the members present, the decisions by the election commission and minority opinions.

(4) Separate minutes need not be drawn up of the sittings of polling station commissions, except for the election of the chair and deputy chair, and unless otherwise provided in this Act.

**Section 40/A** If its chair so decides, the sittings of the National Election Commission may be held also using electronic communication means.

**Section 41** (1) The election commission shall have a quorum if more than half of the members who have taken the oath or affirmation are present.

(2) The polling station commission and, in a settlement with a single polling district, the local election commission exercising the powers of the polling station commission shall have a quorum if at least three members are present.

(3) For the purpose of establishing the quorum, a member of the National Election Commission who was delegated under section 27 (2) and (3) shall not be taken into account.

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

**Section 42** (1) Within thirty days of its constitutive sitting, the National Election Commission shall adopt the detailed rules governing its procedures in its Rules of Procedure, which shall be made publicly available on the official election website.

(2)

## **21. Establishing the facts of the case**

**Section 43** (1) On the basis of the available evidence, the election commission shall establish the facts of the case as necessary for making a decision.

(2) Any evidence that can make establishing the facts of the case easier may be used during the proceeding of the election commission. Evidence means in particular statements, documents, written witness testimonies and physical evidence.

(3) At his request, the election commission may allow the requesting person to present an oral statement. In this case, the party with opposing interests, if present, shall also be allowed to make an oral statement.

(4) Facts that are officially known to the election commission or election office and facts of common knowledge need not be proved.

(5) The election commission shall assess the pieces of evidence individually and in their totality, and shall determine the facts of the case according to its resulting conviction.

## **22. Election commission decisions**

**Section 44** (1) The election commission other than a polling station commission shall adopt a conclusive decision on the merits of the case, while it makes minuted decisions on any other issues occurring in the course of the proceeding. The polling station commission shall make minuted decisions on any disputed issues occurring in the course of the preparation and conduct of voting.

(2) If it discovers a breach of the law, the election commission shall, by a minuted decision, initiate proceedings by the body with the relevant powers.

**Section 45** (1) The content of a proposal for decision shall be determined and the proposal shall be put forward by the chair of the election commission or a member appointed by the chair. The professional activities connected to the preparation of proposals for decision shall be directed by the chair of the election commission.

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

(3) Votes may be yes or no. In the event of a tied vote, the vote of the chair shall be decisive.

(4) Where a proposal for decision is dismissed, the chair of the commission may, with a view to preparing a new proposal for decision, suspend the sitting or initiate that the decision be adjourned to a new date within the time limit for making the decision. On a proposal from the chair to that effect, the election commission shall adopt a minuted decision on the adjournment of the decision concerned.

(5) The members of the National Election Commission delegated under section 27 (2) and (3) shall not have the right to vote; they may participate in the sittings of the National Election Commission in a consultative capacity.

**Section 45/A** (1) The elected member of the election commission may not take part in making a second-instance decision if the requesting person or the one against whom the request was made in the case in question is the member's relative who stands as a candidate at the election or the nominating organisation of that relative.

(2) A member of the election commission may neither request the election commission where he is member to launch a procedure in a matter other than those related to exercising his own suffrage nor lodge an appeal challenging a decision of that election commission; moreover, he may not represent other persons or organisations before that commission or in legal remedy proceedings against a decision of that commission.

### 23. Conclusive decision

**Section 46** The conclusive decision of the election commission shall include the following:

- a) name of the election commission, number of the conclusive decision,
- b) name and address or seat of the requesting person,
- c) in the operative part:
  - ca) decision by the election commission,
  - cb) information on the possibility of legal remedy, place, time limit and conditions for submission of legal remedy application,
- d) in the statement of reasons:
  - da) the established facts of the case and the accepted underlying evidence,

- db) the evidence offered but not admitted and the reasons for not admitting it,
- dc) if the conclusive decision was adopted under discretionary powers, the considerations and facts taken into account in exercising discretion,
- dd) the specific provisions of law that provide legal grounds for the commission to adopt its conclusive decision,
- e) date of decision,
- f) signature of the chair of the election commission and stamp of the election commission.

**Section 47** (1) A first-instance conclusive decision adopted by the election commission shall become final and binding if no appeal is filed against it and the time limit for appealing expired.

(2) A second-instance conclusive decision adopted by the election commission and a first-instance conclusive decision adopted by the National Election Commission shall become final and binding if no application for judicial review is filed against it and the time limit for filing an application for judicial review expired.

## **24. Communication of conclusive decisions**

**Section 48** (1) Conclusive decision shall be communicated in a simplified way to the requesting person and those on whom the conclusive decision confers rights or imposes obligations on the day of adoption without delay if they are present or their email address is available, or, if this is not possible, on the day following adoption without delay. Communication of a conclusive decision in a simplified way may take place

- a) by handing over the conclusive decision to those present,
- b) by email or
- c) in either of the manners provided for in points a) to b) if the recipient is a delivery agent.

The manner (or manners) of communication of a conclusive decision in a simplified way shall be chosen by the requesting person.

(2) The fact and manner of the conclusive decision's communication under paragraph (1) shall be recorded on the document, and the verification document shall be attached to the file.

(3) If a conclusive decision was not communicated in accordance with paragraph (1), it shall be sent through a postal service provider to, or served by other means on, those concerned on the working day following adoption. In Hungary, conclusive decisions shall be delivered as official documents. Unless otherwise requested by the citizen, the conclusive decision shall be sent to the address of the person concerned. For a voter with no address in Hungary, the conclusive decision shall be sent to the postal address specified in subpoint oc) of point o) in Annex 2 or, in the absence thereof, to the address of the voter.



**Section 49** (1) At the request of a delegated member of the election commission, the conclusive decision shall be handed over to him free of charge.

(2) Except for personal data that do not qualify as data accessible on public interest grounds, the election commission shall make public its conclusive decision. For the purposes of this Act, the name of a candidate, nominating organisation, media service provider and press product shall qualify as data accessible on public interest grounds.

## **25. Rectification of conclusive decisions**

**Section 50** (1) Where a conclusive decision contains a clerical error in a name, a figure or elsewhere, the election commission or, on the basis of an authorisation by the election commission, its chair shall rectify the error, provided that this does not affect the substance of the case.

(2) No legal remedy shall lie against rectification.

(3) Rectification shall be communicated to those to whom the conclusive decision subject to rectification was communicated, and shall be made public.

## **26. Guidelines**

**Section 51** (1) The National Commission may issue guidelines to election bodies with a view to ensuring a uniform interpretation of legislation related to elections. An election body may initiate that guidelines be issued.

(2) Guidelines shall not produce binding legal effects, they shall serve exclusively as guidance, and no legal remedy shall lie against them.

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

## *Chapter III*

### *ELECTION OFFICES*

## **27. The election office**

**Section 52** (1) Election offices shall be the following:

- a) National Election Office,
- b) regional election office,
- c) parliamentary single-member constituency election office,
- d) local election office,
- e) foreign mission election office.

(2) At least one member of the local election office shall act as the keeper of the minutes on the polling station commission. The number of the keepers of the minutes working on a polling station commission shall be determined by the head of the local election office.

## **28. The National Election Office**

**Section 53** (1) The National Election Office shall be an autonomous state administration organ.

(2) The National Election Office shall be independent and only subordinated to the law; it shall not be instructed in relation to its functions; and shall perform its responsibilities independently of other organs and of undue influence. The tasks of the National Election Office may only be determined in an Act or in a law adopted on the basis of an authorisation by an Act.

**Section 54** (1) The National Election Office shall be a central budgetary organ with heading-related powers, and its budget shall form a separate title within the budget heading of the National Assembly.

(2) The total expenditure and total revenue in the budget of the National Election Office for the relevant year may be reduced by the National Assembly only.

(2a) The president of the National Election Office may from the expenditure appropriations of the National Election Office for the relevant year reallocate, for the budgetary year in question, funds necessary for the performance of election-related tasks to other organs participating in the conduct of elections.

(3) A remainder of the revenues from the previous year may be used by the National Election Office in the following years to carry out its tasks.

## **29. The president of the National Election Office**

**Section 55** (1) The National Election Office shall be led by a president. The president of the National Election Office shall be appointed by the President of the Republic, on a proposal from the Prime Minister, from among Hungarian citizens with higher education degree who have the right to stand as candidates at the election of the Members of the National Assembly.

(2) A person may not be appointed as the president of the National Election Office if in the four-year period before the proposal for appointment is put forward he served as the President of the Republic, a member of the Government, the political director of the Prime Minister, a State Secretary, a representative, a deputy mayor, Deputy Capital Mayor or an officer or employee of a political party.

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

(4) Upon being appointed, the president of the National Election Office shall take the oath or affirmation before the President of the Republic, reciting the wording laid down in the Act on the oath and affirmation of certain public law officers.

**Section 56** (1) The president of the National Election Office may not be a member of a political party, may not engage in political activities, and his mandate shall be incompatible with any other state or local government office or mandate.

(2) The president of the National Election Office may not pursue any other gainful occupation, and may not receive remuneration for any other activity, except for scientific, lecturing and artistic activities, activities falling under copyright protection, reviewer and editorial activities, and the activities performed in an employment relationship as foster parent.

(3) The president of the National Election Office may not be an executive officer of a company or a member of the supervisory board of a company, nor may he be a member of a company who is required to provide personal assistance.

(4) The president of the National Election Office may not be

a) a member of an election commission,

b) a candidate,

c) a relative of a candidate standing for election at the election of the Members of the National Assembly or the Members of the European Parliament,

d) a member of a nominating organisation.

**Section 57** (1) The president of the National Election Office shall make a declaration of assets within thirty days of his appointment. The rules relating to the declaration of assets of the Members of the National Assembly shall apply accordingly to the declaration of assets, with the derogations provided for in this Act.

(2) Should the president of the National Election Office fail to make the declaration of assets, he shall not be allowed to exercise his office, and shall not receive remuneration until his declaration of assets is submitted.

(3) A publicly available page-for-page copy of the declaration of assets of the president of the National Election Office shall be published on the official election website without delay. The declaration of assets shall not be removed from the website for a period of one year following the termination of the mandate of the president of the National Election Office.

(3a)

(4) Anyone may apply to the Prime Minister for the initiation of proceedings regarding the declaration of assets of the president of the National Election Office by making a statement of facts concerning the specific content of the declaration that clearly identifies the contested part and content of the declaration. If the application does not meet the requirements specified in this paragraph or is manifestly unfounded, or if a repeatedly submitted application does not indicate new facts or data, the Prime Minister shall reject the application without conducting a proceeding. The Prime Minister shall assess the veracity of the information supplied in the declaration of assets.

(5) Upon a call by the Prime Minister in the proceeding regarding the declaration of assets, the president of the National Election Office shall make available to the Prime Minister in writing the data supporting the circumstances as regards income and economic interests indicated in the declaration of assets without delay. The Prime Minister shall send the data to the President of the Republic to inform him of the outcome of the verification. Only the Prime Minister and the President of the Republic may inspect the data.

(6)

**Section 58** (1) The president of the National Election Office shall be entitled to remuneration equal to 2.5 of a Member's honorarium according to Act XXXVI of 2012 on the National Assembly.

(1a) In addition to the remuneration set out in paragraph (1), the president of the National Election Office shall be entitled to the same benefits as a Minister.

(2) The president of the National Election Office shall be entitled to forty working days of annual leave per calendar year.

(3) The deputy presidents shall be responsible for handling the personal files of the president of the National Election Office, registering the data specified in section 68 of Act CVII of 2019 on special status organs and the legal status of persons employed by them (hereinafter "Special Status Organ Act") regarding the president, and performing the administrative tasks related to the occupational relationship of the president

(4) The president of the National Election Office shall issue the Organisational and Operational Regulations of the National Election Office.

**Section 59** (1) In terms of eligibility for social security benefits, the president of the National Election Office shall be considered an insured person employed in a public service relationship.

(2) The period of the mandate of the president shall be considered time spent at an administrative organ under a public service relationship.

**Section 60** (1) The mandate of the president of the National Election Office shall terminate

a) upon the expiry of his term of office,

b) upon his resignation,

c) upon his death,

d) if it is established that the appointment conditions are not met or the provisions regarding the declaration of assets are violated,

e) upon incompatibility or conflict of interest being established with regard to him.

(2) The president of the National Election Office may at any time resign from his mandate by tendering his resignation in writing to the President of the Republic via the Prime Minister. The mandate of the president of the National Election Office shall terminate after the date of communication of the resignation, on the day indicated in the resignation, or, failing this, on the day following the communication of the resignation. Acceptance of the resignation shall not be required to make resignation effective.

(3) If the president of the National Election Office fails to eliminate incompatibility or conflict of interest under section 56 within thirty days from the date of appointment, or if a cause of incompatibility or conflict of interest arises concerning him while in office, the President of the Republic shall, upon a motion by the Prime Minister, decide on the issue of incompatibility or conflict of interest.

(4) The President of the Republic shall be responsible for establishing, upon a motion by the Prime Minister, the absence of any appointment condition of the president of the National Election Office. Where the president of the Authority has knowingly misrepresented substantial data or facts in his declaration of assets, the President of the Republic shall, upon a motion by the Prime Minister, establish the violation of the provisions on the declaration of assets.

(5) The Prime Minister shall send his motion under paragraphs (3) and (4) to the President of the Republic and to the president of the National Election Office simultaneously.

(6) The president of the National Election Office may, within thirty days of receiving the motion, request the court to establish that the motion is unfounded; no application for excuse shall be accepted for missing this time limit. The provisions of the Act on the Code of Civil Procedure concerning actions arising from employment relationship and employment-related relationship, with the derogation that the case shall fall within the exclusive territorial jurisdiction of, and shall be adjudicated as a matter of priority by, the Budapest-Capital Administrative and Labour Court, and the court shall communicate the statement of claim and its final and binding decision adopted on the merits of the case to the President of the Republic as well.

(7) If the mandate of the president of the National Election Office terminates under paragraph (1) a), the president shall be entitled to an extra payment of three times his monthly remuneration at the time of termination.

(8) No counter-signature shall be required for decisions made within the powers conferred on the President of the Republic by paragraphs (3) and (4) and by section 55.

### **30. Personnel of the National Election Office**

**Section 61** (1) The provisions of the Special Status Organ Act and the Act on the Labour Code shall apply to the legal relationship of those employed by the National Election Office with the derogations specified in this Act.

(2) The president of the National Election Office shall exercise the employer's rights over the public officials and employees of the National Election Office.

(3) The provisions of section 56 shall apply accordingly to the incompatibility and conflict of interest of the public officials and employees of the National Election Office.

(4) If a public official or employee of the National Election Office fails to eliminate incompatibility or conflict of interest under section 56 within thirty days from the date of appointment, or if a cause of incompatibility or conflict of interest arises concerning him, the president of the National Election Office shall decide on the issue of incompatibility or conflict of interest.

(5) In the case of incompatibility or conflict of interest under section 56 (4), the president of the National Election Office shall terminate the public service relationship of the public official with immediate effect.

(6) If permitted by the head of the organ concerned, the president of the National Election Office may involve government officials, public officials and employees of other central state administration organs in performing the tasks of the National Election Office and may instruct them.

### **31. The deputies of the president of the National Election Office**

**Section 62** (1) The president of the National Election Office shall be entitled to appoint not more than three deputy presidents for an indefinite term. The president of the National Election Office shall exercise the employer's rights in respect of the deputy presidents.

(2) A deputy president shall substitute for the president if the conditions specified in the Organisational and Operational Regulations are met. The other tasks of the deputy presidents shall be determined in the Organisational and Operational Regulations.

(3) The deputy presidents shall be required to meet the conditions under section 55 (1) and (2) required for the appointment of the President of the National Election Office.

(4) The provisions of section 56 and section 61 (5) shall apply accordingly to the incompatibility and conflict of interest of the deputy presidents.

(5) If the president is prevented from acting or the office of the president is vacant, a deputy president shall exercise the president's powers and perform his duties.

**Section 63** The provisions of section 57 shall apply accordingly to the obligation of the deputy president to make a declaration of assets and the procedure regarding his declaration of assets, with the proviso that in the course of the procedure regarding his declaration of assets, the president of the National Election Office shall act instead of the Prime Minister, and the President of the Republic need not be informed of the outcome of the proceedings.

**Section 64** (1) A deputy president shall be entitled to remuneration equal to the upper limit of the remuneration of a Deputy State Secretary as set out in the Remuneration Table in point I of Annex 1 to the Government Administration Act.

(1a) In addition to the remuneration set out in paragraph (1), a deputy president shall be entitled to the same benefits as a Deputy State Secretary.

(2) A deputy president shall be entitled to forty working days of annual leave per calendar year.

(3) In terms of eligibility for social security benefits, a deputy president shall be considered an insured person employed in a public service relationship.

(4) The period of the mandate of a deputy president shall be considered time spent at an administrative organ under a public service relationship.

**Section 65** (1) The mandate of the deputy president of the National Election Office shall terminate

- a) upon his resignation,
- b) upon his death,
- c) if it is established that the appointment conditions are not met,
- d) upon incompatibility or conflict of interest being established with regard to him,
- e) upon his dismissal,
- f) upon his removal from office.

(2) The deputy president of the National Election Office may resign from office at any time by tendering his resignation in writing to the president of the National Election Office. The mandate of the deputy president of the National Election Office shall terminate after the date of communication of the resignation, on the day indicated in the resignation, or, failing this, on the day of communication of the resignation. Acceptance of the resignation shall not be required to make resignation effective.

(3) If the deputy president of the National Election Office fails to eliminate incompatibility or conflict of interest under section 56 within thirty days from the date of appointment, or if a cause of incompatibility or conflict of interest arises concerning him while in office, the president of the National Election Office shall decide on the issue of incompatibility or conflict of interest.

(4) The president of the National Election Office shall dismiss a deputy president of the National Election Office if the deputy president is unable to perform his official duties for a period of over ninety days for reasons beyond his control.

(5) The president of the National Election Office may dismiss the deputy president of the National Election Office.

(6) The president of the National Election Office shall remove a deputy president of the National Election Office from office if the deputy president fails to perform his official duties for a period of over ninety days for reasons within his control, or if the vice-president has knowingly misrepresented substantial data or facts in his declaration of assets.

(7) The president of the National Election Office shall be responsible for establishing the absence of any appointment condition of a deputy president of the National Election Office.

### **32. Provisions regarding other election offices**

**Section 66** (1) Regional election offices shall be headed by the clerks of the county self-government or the chief clerk of the local government of the capital.

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

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

(4) If a position referred to in paragraphs (1) to (3) is vacant, or the local government clerk or chief clerk is not able to perform his duties due to his absence exceeding thirty days, the head of the regional election office shall be appointed by the president of the National Election Office, and the head of the parliamentary single-member constituency election office or local election office shall be appointed by the head of the regional election office.

(4a)

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

**Section 67** (1) The head of the election office shall appoint the other members of the election office in a number necessary for performing the tasks of the election office and for an indefinite term. Election offices shall keep records of their members.

(2) The head of the election office may revoke the appointment of a member of the election office without stating reasons.

**Section 68** (1) Public service officials, government officials, public employees and persons serving in public upbringing employment relationship as well as the employees of the mayor's office, joint local government office or county self-government office at the seat of the election office may be appointed to be members of the election office.

(2) The head and the other members of a foreign mission election office shall be appointed by the president of the National Election Office. Also the members of the foreign mission personnel or consular personnel who are Hungarian citizens may be appointed to be members of the foreign mission election office.

**Section 69** (1) The following may not be members of an election office:

- a) a representative,
- b) a deputy mayor,
- c) a member of an election commission,



d) a candidate,

e) a member of a nominating organisation that nominates a candidate in the constituency in question, and

f) a relative of a candidate standing for election in the constituency in question.

(2) The prohibition referred to in paragraph (1) f) shall not apply to the member of a local election office who acts exclusively as keeper of the minutes at the polling station commission of a polling district that is not included in the polling district where his relative stands as a candidate at the election.

(3) If a cause of incompatibility or conflict of interest arises concerning the head of an election office, he shall be required to notify it to the president of the National Election Office without delay, who shall dismiss him and appoint a new head to the office.

(4) If a cause of incompatibility or conflict of interest arises concerning a member of an election office, he shall be required to inform the head of the election office of it without delay, and the head of the election office shall dismiss him.

(5) If the head of a local election office or the head of a parliamentary single-member constituency election office does not perform his official duties specified by law, thus jeopardising the lawful conduct of elections, the head of the regional election office shall, in agreement with the president of the National Election Office, establish the incompatibility of the head of a local election office or the head of a parliamentary single-member constituency election office, and shall assign the election office of another settlement or parliamentary single-member constituency to perform, in whole or in part, the tasks of the election office.

(6) If in a polling district designated under section 78 within the territory of competence of a local election office, the voting is not closed within thirty minutes after the conclusion of voting at the latest, the president of the National Election Office shall inform the government office of this fact, initiating that disciplinary proceedings under the Act on the local governments of Hungary be launched.

**Section 70** Reciting the wording laid down in the Act on the oath and affirmation of certain public law officers, the heads of the election offices shall take the oath or affirmation before the heads of the superior election offices and the other members of the election offices before those who appointed them.

**Section 71** (1) The election offices shall perform their professional activities under the direction of the president of the National Election Office.

(2) The president of the National Election Office may directly instruct the heads of all election offices; the head of a regional election office may directly instruct the heads of the parliamentary single-member constituency election offices and the heads of the local election offices; and the head of a parliamentary single-member constituency election office may directly instruct the heads of the local election offices regarding the performance of their tasks set out in this Act.

(3) A person or body other than the head of the superior election office shall not be allowed to instruct the heads of the election offices regarding the performance of the tasks related to the preparation and conduct of elections. Only the head of the election office may instruct the members of the election office regarding the performance of the tasks related to the preparation and conduct of elections.

(4) The chair of an election commission may instruct the head of the election office at the commission regarding the performance of secretarial tasks of the commission.

**Section 72** The president of the National Election Office may instruct the heads of other organs participating in the conduct of elections regarding the performance of election-related tasks other than the performance of secretarial tasks of election commissions.

**Section 73** (1) The members of election offices shall be entitled to remuneration in the amount determined by the Minister.

(2) If the head of an election office does not perform his duties or performs them in an unsatisfactory manner, the president of the National Election Office may reduce the amount of the remuneration payable to him or, as a last resort, may refrain from paying it.

**Section 74** The provisions of sections 46 and 47, section 48 (3) and section 50 shall apply to the conclusive decision of the heads of election offices.

### 33. Tasks of election offices

**Section 75** (1) Election offices

- a) shall carry out organisational tasks related to preparing and conducting elections,
- b) shall provide information to voters, candidates and nominating organisations and operate an election information service,
- c) shall perform the secretarial tasks of election commissions, and prepare cases falling within the powers of election commissions for decision making,
- d) shall provide the material and technical conditions for the operation of election commissions and the conduct of voting,
- e) shall organise trainings for the members of the election bodies,
- f) shall provide for the handling, safeguarding and destruction of election documents,
- g) shall carry out tasks related to administrative and IT tests,
- h) shall within their functions process data in the election information system,
- i) shall provide technical assistance to aggregate the votes and establish the result of the election,

j) shall perform any other tasks specified by law.

(2) The capital and county government offices shall contribute to performing election-related IT tasks as specified by the Minister in a decree.

### **34. Other tasks of the National Election Office**

**Section 76** (1) In addition to performing the tasks set out in section 75, the National Election Office

a) shall provide for the maintenance of the central electoral register, the polling district electoral register, the postal voter electoral register, the foreign mission electoral register, the register of citizens without suffrage, the register of polling districts and constituencies, the register of nominating organisations, candidates and lists and the register of representatives,

b) shall provide for conducting public procurement procedures necessary for carrying out the election, and for procuring products and services,

c) shall provide for the setting up and secure operation of the IT system,

d) shall provide for the performance of the central logistical tasks related to the election,

e) shall provide for the performance of the central tasks related to the financial management of the election,

f) shall ensure that data related to the election are stored securely,

g) shall operate the official election website,

h) shall organise administrative and IT tests,

i) shall ensure that the central forms necessary for conducting the election are produced and shipped,

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

k) shall cooperate with the election bodies of other states,

l) may make proposals as regards the adoption or amendment of laws affecting elections, and shall give its opinion with respect to draft laws affecting its functions.

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

a) the number of voters with no address in Hungary who requested their registration, who are registered in the electoral register, who sent back the voting documents and who handed over the valid voting documents, broken down by country based on their contact address, with the proviso that data from states that prohibit dual nationality are to be published under a combined heading,

b) the number of voters recorded in the central electoral register, voters recorded in the individual polling district electoral registers, absentee voters, voters recorded in the foreign mission electoral register and voters recorded in the postal voter electoral register,

c) the number of voters who turn up and cast their votes at the individual polling stations and who turn up and cast their votes at the individual foreign missions,

d) the content of the minutes establishing the polling district election results and the election results.

(2a) The National Election Office shall each year publish on the official election website the number of the voters based on data available on 1 January, broken down by election type, settlement as well as status according to Article XXIII (1) to (3) of the Fundamental Law on which the right to vote is founded.

(3) The National Election Office may entrust with data processing tasks relating to

a) the register of polling districts and constituencies,

b) the central electoral register, the polling district electoral register, the foreign mission electoral register, the postal voter electoral register,

c) the register of citizens without suffrage,

d) the register of nominating organisations, candidates and lists,

e) the register of representatives,

f) the verification register of the signatories of referendum initiatives, European citizens initiatives, initiatives for the recognition of a national minority as an ethnic group resident in Hungary,

g) the register of data relating to voter turnout and preliminary and final data relating to minutes, and

h) the user register providing electronic access to the registers referred to in points a) to g)

only data processing entities that are state administration organs or companies exclusively owned by the State, unless the Act on the enhanced protection of public registers constituting national data assets grants specific exemption from this limitation.

(4) The National Election Office shall provide data to the military administrative and central data processing body of the Hungarian Defence Forces for keeping records of persons obliged to perform military service in accordance with section 19 l) and section 20 (1) e) of Act XXI of 2022 on national defence data processing.

#### *Chapter IV*

### *POLLING DISTRICTS*

#### **35. Polling district arrangements**

**Section 77** (1) The number, serial number and territorial distribution of polling districts and the address of polling stations shall be determined by the head of the local election office in a conclusive decision, ensuring that for each polling district there are approximately six hundred, but not more than one thousand five hundred voters included in the central electoral register, and there is at least one polling district in each settlement.

(2) Polling district areas may not extend beyond the boundaries of settlements and the boundaries of constituencies at parliamentary and local government elections.

**Section 78** (1) In settlements with two or more polling districts, the head of the local election office shall designate the polling district where voters with a settlement-based domicile can vote.

(2) The polling district designated under paragraph (1) shall be used also for absentee voting.

(3) In towns with county rights and in the districts of the capital, the head of the local election office may designate a polling district other than the one designated under paragraph (1) for absentee voting.

(4) The lower limit specified in section 77 (1) shall not apply to the number of voters having address in a polling district designated under paragraph (3).

#### **36. Review of polling districts**

**Section 79** (1) The head of the local election office shall monitor changes affecting polling district arrangements on an on-going basis, and modify the polling district arrangements as necessary.

(2) Between the day of setting a date for the election and voting day, the serial number of polling districts shall not be modified, addresses assigned to a polling district shall not be assigned to another one, and no modification of the name of settlements, the name and type of public spaces, house numbers and building and staircase designators shall be entered into the address records.

### **37. Publication of conclusive decisions**

**Section 80** The head of the local election office shall publish the conclusive decisions on polling district arrangements and the review of polling districts for fifteen days in accordance with established local practice, indicating for each polling district the number of voters recorded in the central electoral register and also the polling district designated under section 78.

### **38. Polling district and constituency register**

**Section 81** (1) The polling district and constituency register shall contain the data set out in Annex 1.

(2) The National Election Office shall regularly publish the polling district and constituency register on the official election website. The head of the local election office shall transfer to the register the changes.

## *Chapter V*

### *THE CENTRAL ELECTORAL REGISTER*

### **39. The central electoral register**

**Section 82** (1) The central electoral register shall be an electronic register managed by the National Election Office and the local election offices. Only voters included in the central electoral register shall be eligible to exercise suffrage.

(2) The central electoral register shall contain the following:

- a) data of voters with address in Hungary who are eligible voters at an election covered by this Act,
- b) data of citizens with address in Hungary who do not have the right of suffrage due to not being an adult, but have already attained the age of seventeen years,
- c) data of voters with no address in Hungary who are eligible voters at an election covered by this Act and have been included, upon their request, in the central electoral register,
- d) data of citizens with no address in Hungary who do not have the right of suffrage due to not being an adult, but have already attained the age of seventeen years and have been included, upon request, in the central electoral register (for the purposes of this Chapter, the points a) to d) hereinafter jointly “voters”).

**Section 83** (1) The central electoral register shall contain the data of voters set out in Annex 2.

(2) The data of the central electoral register set out in Annex 2 shall be generated, with the exceptions referred to in paragraph (3), by taking over data from the register of personal data and address of citizens, for a voter not recorded in the register of personal data and address of citizens from the register of travel documents and the register of driving licences, furthermore from the register of adult citizens without suffrage, from the polling district and constituency register and from the polling district electoral register.

(3) The data of the central electoral register referred to in Annex 2 under point i) ib), point j) ja) and jb), points k), l) and o), and, for a voter with no address in Hungary who lives abroad and whose foreign domicile stated by him is different from the foreign domicile recorded in the register of personal data and addresses or in respect of whom the register of personal data and addresses contains no foreign domicile data, point c) shall be recorded in the central electoral register by the National Election Office at the request of the voter.

#### **40. Requests regarding the central electoral register**

**Section 84** (1) A voter with no address in Hungary who is eligible voter at an election covered by this Act may request his registration, renewal of registration and modification of the data relating to him in the central electoral register.

(2) A citizen who is not yet adult may request his registration in the electoral register after having attained the age of seventeen years. When submitting the request to that effect, the citizen may make a juridical act independently.

(3) A voter with no address in Hungary who lives abroad may request his deregistration from the central electoral register.

**Section 84/A** A foreign domicile stated by a voter with no address in Hungary who lives abroad shall be considered the foreign domicile of that voter; where a foreign domicile has not been stated by him, the foreign domicile entered in the register of personal data and addresses shall be considered the foreign domicile of that voter.

**Section 85** (1) With the exception referred to in paragraph (2), voters with address in Hungary may request that

- a) their belonging to a national minority,
- b) their request for assistance in voting,
- c) a prohibition of releasing their personal data

be entered into the central electoral register, or such an entry be deleted.

(2) Voters other than Hungarian citizens with address in Hungary may request that the data under paragraph (1) b) and c) be entered into the central electoral register, or such an entry be deleted.

(3) Voters with no address in Hungary may request that their request for assistance under section 88 b) be entered into the central electoral register, or such an entry be deleted.

#### **41. Requests regarding registration as national minority voter**

**Section 86** A request for registration as national minority voter shall contain the following:

- a) reference to the national minority,
- b) statement by the voter in which the voter professes to belong to the national minority in question,
- c) indication as to whether or not the voter requests that his registration as national minority voter apply to the election of the Members of the National Assembly.

**Section 87** A request for registration as national minority voter shall be rejected if the voter is already included in the central electoral register as national minority voter.

#### **42. Assistance to voters with a disability**

**Section 88** Voters with a disability may request the following types of assistance for exercising suffrage:

- a) sending poll cards in braille,
- b) sending easy read information material,
- c) using braille voting templates at the polling station or for voting by mobile ballot box,
- d) using accessible polling station.

#### **43. Prohibition of releasing data**

**Section 89** (1) A voter shall be entitled to prohibit election bodies from releasing recorded data relating to the voter in accordance with section 153.

(2)

#### **44. Informing voters**

**Section 90** The National Election Office shall provide voters with relevant information about the electoral register in the time and manner specified by the Minister in a decree.

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

**Section 91** (1) In addition to what is provided for in section 13/D (1), voters with no address in Hungary may submit their requests regarding the central electoral register

- a) to the National Election Office or a foreign mission election office also by mail,
- b) to a foreign mission election office also in person or through a delivery agent, or



c) to the National Election Office also by electronic means without electronic identification.

(2) The election office shall record in the election information system the requests submitted in accordance with paragraph (1) a) and b) and launch the proceeding.

**Section 92** (1) A request regarding the central electoral register shall contain the following data of the voter:

a) name

b) name at birth,

c) place and date of birth,

d) personal identifier or document number of an official verification card suitable for verifying identity.

(2) If a request is submitted in accordance with section 13/D (1) a), it need not contain the data referred to in paragraph (1).

(3) In addition to the data set out in paragraph (1), the request for registration in the electoral register of a voter with no address in Hungary shall contain the following:

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

b) the specification of the settlement or foreign mission chosen pursuant to section 277 (2) where the voter wishes to receive the postal voting package.

(4) If the requesting person does not have a storage space referred to in section 13/E (1), in his request for registration in the central electoral register the voter with no address in Hungary shall be required to provide the email address or postal address where he wishes the decision of the election office to be sent in accordance with section 13/E (2) a) ab) or ac).

(5) A requesting person shall not submit more than ten requests on the same day using electronic identification.

#### **46. Assessing requests regarding the central electoral register**

**Section 93** (1) The National Election Office may grant a request submitted through a delivery agent or in accordance with section 91 (1) a) or c) only if the voter's data in the request correspond to the data in the central electoral register or, for a request for registration in the electoral register, to the data in the register of personal data and address of citizens or the register of travel documents.

(2) It shall not constitute a ground for dismissal if the difference between the data of the request and the data of the central electoral register, the register of personal data and address of citizens or the register of travel documents is caused

a) by an accent error,

b) by a spelling difference,

c) by a specification of a geographic name in a foreign language,

d) by

da) the omission of one of multiple given names, the omission or inclusion of the “dr.” title, the inclusion of a junior, senior, widowed or other prefix or an abbreviation thereof in the data set out in section 92 (1) a) or b), or

db) the provision of the data set out in section 92 (1) a) or b) in another language,

provided that the identity of the voter can be established beyond reasonable doubt.

(3) It shall not constitute a ground for dismissal if the request does not contain the birth name of the requesting person, provided that it corresponds to his full current name.

(4) Whether the data of the requesting person correspond to the data of the register of travel documents shall be verified by the National Election Office on the basis of data taken from the register of travel documents by direct access.

(5) Where a difference referred to in paragraph (2) cannot be fully assessed by automated decision making, the difference shall be examined with the assistance of the local election office of the address of the requesting person or, for a requesting person with no address in Hungary, the National Election Office, following which the assessment of the request shall continue by automated decision making.

**Section 94** (1) Requests regarding the central electoral register shall be assessed immediately, but not later than within twenty-four hours from submission or the commencement of the proceeding.

(2) In the case referred to in section 93 (5), the request shall be assessed within three working days from submission or the commencement of the proceeding.

(3) Requests under section 88 d) submitted on the second day before voting day and received by 10.00 shall be assessed immediately, but not later than within one hour.

**Section 95** (1) The National Election Office shall decide on the request in the form of a conclusive decision.

(2) A request shall be rejected in a procedural decision if the requesting person requests

- a) the entering in the central electoral register of any fact that is already included in it or
- b) in the same request the entering of inconsistent facts.

(3) If a request contains the data referred to in section 92 (1) of the requesting person than, having regard also to section 93, by way of derogation from paragraph (2),

a) the request for registration in the central electoral register of a voter who according to his request is already included in the central electoral register shall be considered a request for the renewal or modification of registration in the central electoral register,

b) the request for the renewal or modification of registration in the central electoral register of a voter who is not included in the central electoral register shall be considered a request for registration in the central electoral register,

c) the request for the modification of registration in the central electoral register of a voter who in respect of data referred to in section 84/A or section 92 (3) or (4) requests the registration of the same data as already recorded in the central electoral register shall be considered a request for the renewal of registration in the central electoral register,

d) the request for the renewal of registration in the central electoral register of a voter who in respect of data referred to in section 84/A or section 92 (3) or (4) requests the registration of data other than those recorded in the central electoral register shall be considered a request for the modification of registration in the central electoral register.

(4) The decision shall include the elements referred to in section 46 a) to e) and the date of birth of the requesting person. The conclusive decision shall specifically refer to the reasons for dismissal or deregistration. A signature or stamp shall not be required for the decision to be valid.

(5) If the voter provided a postal contact address in a country that prohibits dual nationality, the National Election Office may communicate the decision also with the involvement of the foreign mission.

#### **47. Keeping the central electoral register**

**Section 96** (1) The National Election Office shall continuously update the data in the central electoral register with the changes in the data in the following registers:

- a) register of personal data and addresses,
- b) register of citizens without suffrage,
- c) polling district and constituency register, and
- d) register of travel documents.

(2) The members of the National Election Commission may inspect the data recorded in the central electoral register on voters with no address in Hungary, but may not make notes and copies of those data. When inspecting the data, a member of the National Election Commission may verify the lawfulness of registration by consulting the request under section 84 and the data in the register of personal data and addresses, the register of travel documents and the register of adult citizens without suffrage.

#### **48. Deregistration from the central electoral register**

**Section 97** (1) The National Election Office shall deregister from the central electoral register a citizen with no address in Hungary who lives abroad and has been registered upon request

- a) if he requests his deregistration,
- b) if ten years have passed since his registration; the time limit shall be interrupted when the voter modifies his data in the electoral register, requests the renewal of registration or submits voting documents.

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

- a) deceased,
- b) lost suffrage.

(3) The National Election Office shall deregister from the central electoral register a voter registered as a person having an address in Hungary if his address in Hungary has been invalidated or he left the territory of Hungary with the intention of settling abroad. This deregistration shall be without prejudice to his mandate as a representative.

(4) A separate conclusive decision shall not be required for a deregistration under paragraph (2) a).

(5) The provisions of section 95 (1), (4) and (5) shall apply to the conclusive decision on deregistration.

#### **49. Register of citizens without suffrage**

**Section 98** (1) The National Election Office shall keep a register of citizens without suffrage. An adult citizen as well as a minor citizen who has attained the age of seventeen years shall be recorded in this register if

- a) he is deprived of suffrage because his ability required to take care of his own affairs is reduced,
- b) he is in an institution under compulsory psychiatric treatment ordered in a criminal proceeding,
- c) he is excluded from participating in public affairs,

d) he is serving a term of imprisonment.

(1a) The register of citizens without suffrage shall contain the data set out in Annex 2/A of persons referred to in paragraph (1).

(2) For registration in the register of citizens without suffrage and for deregistration from that register,

a) as for paragraph (1) a), the organ keeping the register of persons under custodianship shall automatically transfer the data recorded in the register of persons under custodianship as provided for by the law,

b) as for paragraph (1) b) to d), the organ maintaining criminal records shall automatically transfer the data recorded in the criminal records system as provided for by the law

to the National Election Office.

(3) With a view to entering the changes in data in the register and to deregistering the deceased citizens, the National Election Office shall provide for the maintenance of the register of citizens without suffrage by regularly taking over, in the context of automated information transfer, data from the register of personal data and addresses with regard to the identification data and address data of citizens falling within the scope of the register of personal data and addresses.

(4) If a citizen regains his eligibility to vote, his data shall be deleted from the register of citizens without suffrage. The data of citizens deregistered from the register of citizens without suffrage shall be preserved for six months after deregistration.

**Section 99** (1) The register of citizens without suffrage may be used only for verifying whether a citizen has the right of suffrage; data shall not be provided from the register for any other purpose.

(2) The election office, the election commission and the court shall be entitled to request data from the register of citizens without suffrage for the purpose specified in paragraph (1).

**Section 100** (1) The register of citizens without suffrage shall not be public; it may be accessed only by the person concerned regarding his own data, and by the court and the members of the election commission and election office. Records shall be kept of access.

(2) Any adult person may request the National Election Office to certify that the register of citizens without suffrage contains no reference to his being deprived of suffrage for any reason.

## *Chapter VI*

### *POLLING DISTRICT ELECTORAL REGISTER*

#### **50. Polling district electoral register**

**Section 101** (1) From the day after the day of setting a date for the election until the fifteenth day after the result of the election becomes final and binding, the National Election Office shall make available to the local election offices the data recorded in the central electoral register of voters who have the right to vote at the election, connected up with the polling district and constituency register, with the content set out in Annex 3, broken down for each polling district (hereinafter “polling district electoral register”).

(2) With the exception referred to in section 102 (3), the National Election Office shall keep the polling district electoral register as well as the list of voters who requested a mobile ballot box and the foreign mission electoral register.

(3) The changes referred to in section 102 (3) shall be transferred to the polling district electoral register and the list of voters who requested a mobile ballot box by the local election office.

**Section 102** (1) One voter may only be recorded in one polling district electoral register.

(2) Citizens who attain the age of eighteen years on voting day at the latest shall be recorded in the polling district electoral register from the day after the day of setting a date for the election.

(3) If, not later than on the fourth day before voting day, a voter requested under section 88 d) to vote in an accessible polling station, and the polling station to which the voter is assigned according to his address is not accessible, the local election office shall transfer the voter to the electoral register of a polling district with accessible polling station in the same settlement and constituency.

(4) If a member or keeper of the minutes of a polling station commission so requests, the National Election Office shall transfer him to the electoral register of the polling district in the polling station commission of which he serves on voting day, provided that the latter polling district belongs to the same constituency as the polling district according to the address of the voter.

(5) The National Election Office shall deregister from a polling district electoral register anyone it deregister from the central electoral register.

#### **51. List of voters who requested a mobile ballot box**

**Section 103** (1) A request for mobile ballot box may be submitted by voters recorded in the polling district electoral register whose mobility is limited due to their health condition or disability, or due to detention.

(2) A request for mobile ballot box shall be submitted

a) to the National Election Office

aa) by electronic means after electronic identification by 10.00 on the second day before voting day,

ab) by electronic means without electronic identification by the fourth day before voting day,

b) to the local election office

ba) by electronic means after electronic identification after 10.00 on the second day before voting day and by 12.00 on voting day,

bb) by mail by the fourth day before voting day,

bc) in person or through a delivery agent by 10.00 on the second day before voting day, or

c) to the polling station commission concerned on voting day, by 12.00 at the latest

ca) through a delivery agent or

cb) by delivery by a person having no authorisation.

(3) The request for mobile ballot box shall contain the following:

a) the address within the area of the polling district where the voter wishes the mobile ballot box to be taken (hereinafter “mobile ballot box address”) if other than his address in Hungary, and

b) the reason for requesting a mobile ballot box.

(4) A voter who has been transferred from the electoral register of the polling district according to his address to the electoral register of another polling district in accordance with section 102 (3) may request a mobile ballot box also to his address.

**Section 104** (1) The local election office shall enter the requests submitted in accordance with section 103 (2) b) bb) and bc) into the election information system.

(2) The local election office shall forward the requests submitted in accordance with section 103 (2) b) ba) to the polling station commission

**Section 105** (1) The list of voters who requested a mobile ballot box shall contain the same information on voters as the polling district electoral register, and the data set out in section 103 (3) a) as well as other information provided by the voter as to the taking of the mobile ballot box.

(2) Persons who are deregistered from the polling district electoral register shall also be deregistered from the list of voters who requested a mobile ballot box.

## **52. Printing polling district electoral registers and lists of voters who requested a mobile ballot box**

**Section 106** (1) After transferring to them the changes that took place by 10.00 on the second day before voting date, the National Election Office shall close the polling district electoral register and the list of voters who requested a mobile ballot box.

(2) The local election office shall print the closed polling district electoral register and the list of voters who requested a mobile ballot box not later than on the second day before voting day. The head of the local election office shall authenticate the printed polling district electoral register and list of voters who requested a mobile ballot box.

**Section 107** (1) The printed polling district electoral register shall not contain the data of the voters who are recorded in the list of voters who requested a mobile ballot box.

(2) The printed list of voters who requested a mobile ballot box shall contain the data set out in Annex 3 and section 103 (3) a) as well as other information provided by the voter as to the taking of the mobile ballot box.

(3) No change shall be transferred to the printed polling district electoral register and the printed list of voters who requested a mobile ballot box, except those referred to in section 112 (5).

## **53. Electoral register for a voting to be repeated**

**Section 108** (1) If the election commission or the court orders the voting to be repeated in a polling district, those voters may be recorded in the polling district electoral register at the repeated voting who

- a) were recorded in the polling district electoral register at the voting to be repeated,
- b) were not recorded in the polling district electoral register at the voting to be repeated due to not having the right of suffrage, but
  - ba) become adults on the day of repeated voting at the latest, or
  - bb) gain suffrage by the closure of the electoral register in any other way.

(2) Those who were not recorded due to

- a) not having address in the polling district, or
- b) being recorded in the electoral register of another polling district

in the polling district electoral register at the voting to be repeated shall not be recorded in the polling district electoral register at the repeated voting either.



## **54. Destruction of polling district electoral registers and lists of voters who requested a mobile ballot box**

### **Section 109**

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

**Section 110** (1) The provisions of section 92 (1), (2) and (5) shall apply to requests under section 103, section 112 (6), section 250, section 259 and section 307/A.

(2) Requests regarding the polling district electoral register may be submitted from the sixty-sixth day before voting day. A request submitted in accordance with section 103 (2) b) bb) before the sixty-sixth day before voting day shall be assessed on the sixty-sixth day before voting day.

(3) In a joint proceeding, a request regarding the polling district electoral register, a request for assistance under section 88 and a request for a prohibition of releasing data under section 89 shall apply to all elections of the joint proceeding.

**Section 111** A request under section 259 may be submitted in person or through a delivery agent also to a foreign mission election office.

#### **56. Assessing requests regarding the polling district electoral register**

**Section 112** (1) Upon a request submitted in accordance with section 103 (2) a and b) bb) and bc), the National Election Office shall enter the voter requesting a mobile ballot box into the list of voters who requested a mobile ballot box.

(2) Where the mobile ballot box address specified in the request is not available in the register of constituencies and polling districts and, consequently, automated decision making is not fully possible, the mobile ballot box address shall be examined with the assistance of the local election office of the mobile ballot box address, following which the assessment of the request shall continue by automated decision making.

(3) Where a difference referred to in section 93 (2) cannot be fully assessed by automated decision making, the difference shall be examined with the assistance of the local election office of the address of the requesting person or, for a request under section 103, the local election office of the mobile ballot box address, following which the assessment of the request shall continue by automated decision making.

(4) The legal basis for a request under section 102 (4) shall be assessed by the local election office in whose territory of competence the polling district is located to the electoral register of which the member of a polling station commission or the keeper of the minutes requests to be transferred.

(5) The requests under section 103 (2) b) ba) and c) shall be assessed by the polling station commission. Upon the request and applying the provisions of section 93 (1) to (3), the polling station commission shall enter the voter requesting a mobile ballot box into the printed list of voters who requested a mobile ballot box and delete him from the printed polling district electoral register.

(6) Where a voter withdraws his request for a mobile ballot box by 10.00 on the second day before voting day, the National Election Office shall delete him from the list of voters who requested a mobile ballot box.

**Section 113** (1) Requests regarding the polling district electoral register that is received within the time limit shall be assessed immediately, but not later than within twenty-four hours from submission or the commencement of the proceeding. Requests for a mobile ballot box and requests for the withdrawal of such a request submitted on the second day before voting day and received by 10.00 shall be assessed immediately, but not later than within one hour.

(2) Where administrative assistance is required for a request to be assessed, the request shall be assessed within three working days from submission or the commencement of the proceeding, but not later than by 11.00 on the second day before voting day.

(3) The polling station commission shall assess the requests for a mobile ballot box as a priority.

(4) The assessment of a request submitted after the election date has been set but before the sixty-sixth day before voting day shall be started on the sixty-sixth day before voting day.

**Section 114** (1) The provisions of section 95 (1), (2), (4) and (5) shall apply to the decisions of the election office.

(2) If a natural person submitted the request specifying a contact address in accordance with section 103 (2) a) ab) or b) bb), the decision shall be sent also to the natural person in accordance with section 13/E (2) a) ad), in addition to communicating it in accordance with section 13/E (2) a) ab) or ac).

## 57. Informing voters

**Section 115** (1) The National Election Office shall notify voters who are on the sixty seventh day before voting day recorded in the polling district electoral register of their registration in the polling district electoral register by sending them a poll card.

(2) The poll cards shall be sent to the address of the voters by the fifty-first day before voting day.

(3) The poll card shall contain the following:

a) name of the election,

b) day of voting,

- c) constituency,
- d) polling district,
- e) address of the polling station,
- f) information on the accessibility of the polling station,
- g) name of the voter,
- h) address in Hungary of the voter,
- i) date of birth of the voter,
- j) birth name of the voter if other than the full current name, and
- k) information on the election.

(4) If a voter does not receive the poll card or the poll card is destroyed or lost, the voter may request a new poll card.

(5) In a joint proceeding, the election office shall notify voters of their registration in the polling district electoral register by sending them a joint poll card.

**Section 116** (1) The election office shall notify voters who get registered in the polling district electoral register after the sixty-seventh day before voting day of their registration in the polling district electoral register by handing over or sending them a poll card.

(2) If the election office grants a request under section 250, section 259 or section 307/A, it shall notify the voter thereof by handing over or sending him a poll card, in addition to communicating the conclusive decision.

**Section 117** (1) At the request of a voter under section 88 a) submitted not later than on the sixty eighth day before voting day, the National Election Office shall send a poll card in braille to the voter.

(2) At the request of a voter under section 88 b) submitted not later than on the sixty eighth day before voting day, the National Election Office shall send easy read information material to the voter.

**Section 118** (1) From the day when the election date is set until the electoral register is closed, the data in the polling district electoral register of the settlement may be accessed by anyone in the competent local election office, except for the data set out in points fb) to fe) and fg) in Annex 3.

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

## *Chapter VII*

### *NOMINATION OF CANDIDATES*

#### **58. Notifying nominating organisations**

**Section 119** (1) Organisations that wish to nominate candidates or draw up list shall be notified to the National Election Commission as nominating organisations after the election date is set.

(2) Nominating organisations shall be notified by a person who is, according to the court register, authorised to represent the organisation concerned.

#### **59. Recommendation sheet**

**Section 120** (1) Candidates shall be recommended on recommendation sheets.

(2) Recommendation sheets may be requested by voters who wish to stand as individual candidates at the election and by nominating organisations that have been registered with final and binding effect from the election office at the election commission competent to register the candidate in question after the election date is set.

(3) A request for recommendation sheets shall contain the name of the voter who wishes to stand as a candidate at the election, his personal identifier, or, in the absence thereof, the number of his official identity verification card, his address, and his statement that

a) he accepts the nomination,

b) he has no position giving rise to incompatibility and conflict of interest with a representative's mandate, or that he will eliminate incompatibility or conflict of interest if elected,

c)

(4) Recommendation sheets may be requested only for voters who have the right of suffrage when the request is submitted.

(5) When requesting recommendation sheets

a) a voter who has multiple given names may ask to indicate only one of his given names on the recommendation sheets and ballot papers,

b) a voter may ask not to indicate the "dr." title that is part of his name on the recommendation sheets and ballot papers.

**Section 121** (1) The election office shall indicate on the recommendation sheets the type of the election, the name of the voter who wishes to stand as a candidate at the election taking into account section 120 (5), the name of the nominating organisation or the fact that the candidate is an independent candidate, and a reference to the constituency. For joint candidates, the names of all nominating organisations nominating the joint candidate shall be indicated on the recommendation sheets.

(2) The election office shall hand over the recommendation sheets in the requested quantity to the requester or the voter who wishes to stand as a candidate at the election without delay after the request was made but not earlier than on the fiftieth day before voting day. The election office shall mark each of the recommendation sheets with a unique identifier.

**Section 121/A** Where handing over the recommendation sheets violates statutory requirements, the election office shall refuse in a conclusive decision to hand over the recommendation sheets concerned on the day when the request is made.

## 60. Recommendation

**Section 122** (1) Voters who have the right to vote at the election in the constituency in question may recommend candidates.

(2) The name, personal identifier and address in Hungary of the recommending voter shall be entered on the recommendation sheet. The voter shall sign the recommendation sheet in his own hand.

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

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

(5) A recommendation shall not be withdrawn.

(6) The persons gathering recommendations shall indicate on the recommendation sheets their name, personal identifier or the number of their official identity verification card and their signature.

**Section 123** (1) Recommendations may be gathered without disturbing citizens by representatives of the nominating organisation or by the voter who wishes to stand as a candidate at the election or by his representative anywhere except as provided in paragraph (2).

(2) Recommendations shall not be gathered

a) at the workplace of the person gathering recommendations and the recommending person during working hours, or while one or the other is fulfilling his obligations to perform work arising from employment or other employment-related relationship,

b) from persons employed under a service relationship at the Hungarian Defence Forces or a central state administration organ at their service post or while they are performing their duty,

- c) on means of public transport,
  - d) in the official premises of state and local government organs and the organs of national minority self-governments,
  - e) in higher education and public upbringing institutions,
  - f) in the premises of healthcare providers, and
  - g) on private properties open to the public without the written consent of the owner given in advance.
- (3) It shall be forbidden to grant or promise advantages to voters in return for providing a recommendation. Voters shall be forbidden to ask for or accept advantage or a promise thereof in return for providing a recommendation.
- (4) Recommendations gathered in breach of the rules on recommendation shall be invalid.

## **61. Notifying candidates**

**Section 124** (1) Candidates shall be notified to the election commission competent to register the candidate concerned by handing over the recommendation sheets.

(1a) Upon the notification of a candidate, he shall make a statement that he complies with the requirements for candidates set out in paragraph (1b) and that he does not use, regarding the election concerned, foreign support or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. The election commission shall register a candidate if he has made such a statement.

(1b) A person who requests his registration as candidate and a registered candidate shall not use, regarding the election concerned, foreign support or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. If a violation is suspected, the State Audit Office shall check compliance with the provisions of this paragraph.

(1c) Where, following the registration of a candidate, the State Audit Office establishes that the candidate violated the provisions of paragraph (1b), the candidate shall pay twice the amount of support to the central budget within fifteen days after being called upon to do so by the State Audit Office.

(1d) If a candidate fails to comply with his obligation under paragraph (1c) within the time limit, the state tax authority shall collect the debt as taxes at a request by the State Audit Office.

(2) The voters who wish to stand as independent candidates at the election and the nominating organisations that wish to nominate candidate shall hand over all recommendation sheets they received to the election office within the time limit set for the notification of candidates. In the event of non-compliance with this obligation, the election commission competent to register the candidate in question shall impose a fine, acting *ex officio*. The amount of the fine shall be one thousand forints for each missing recommendation sheet.

(3) A fine shall not be imposed for recommendation sheets not containing recommendation that are handed over not later than on the day after the expiry of the time limit referred to in paragraph (2).

(4) The election commission shall decide on imposing a fine within eight days after the expiry of the time limit referred to in paragraph (2).

## **62. Verifying recommendations**

**Section 125** (1) The election office shall verify the recommendations.

(2) In verifying recommendations, it shall be checked whether the requirements referred to in section 122 are complied with, the recommending voters shall be identified, and it shall be established whether they have the right of suffrage and whether the number of valid recommendations reaches the limit required for being a candidate.

(3) The identification of the recommending voters and the verification of their eligibility shall be carried out by comparing the data indicated on the recommendation sheets with information in the central electoral register and the polling district and constituency register.

**Section 126** (1) A recommendation shall be valid if

a) the recommending voter had the right to recommend a candidate in the constituency at any time between the day when the recommendation sheet was handed out and the day it was submitted,

b) except for the signature, the recommending voter's data indicated on the recommendation sheet correspond to his data in the polling district electoral register,

c) the recommendation complies with the requirements referred to in section 122.

(2) It shall not constitute a ground for invalidity

a) if the difference between the data of the recommending voter and the data in the central electoral register or the register of personal data and address of citizens, the register of travel documents or the register of driving licences is caused by any of the following, but the identity of the voter can be established beyond reasonable doubt:

aa) accent error,

ab) spelling difference,

- ac) specification of a geographic name in a foreign language,
- ad) provision of the data in another language,
- ae) omission of one of multiple given names, omission or inclusion of the “dr.” title, inclusion of a junior, senior, widowed or other prefix or an abbreviation thereof,
- b) if the recommending voter provided the name of the settlement, the name or type of the public space in a form different from the information recorded in the polling district electoral register, but the address can be established clearly during the verification,
- c) if the recommending voter did not include the staircase, floor or door designator in his address, or it differs from the data recorded in the polling district electoral register.

**Section 127** (1) Recommendations shall be verified within three days from the notification of the candidate.

(2) The election office shall refrain from verifying recommendations if the number of recommendations on the submitted recommendation sheets does not reach the limit required for being a candidate.

(3) Once it is established that the number of valid recommendations has reached the limit required for being a candidate, the detailed verification of recommendations may be discontinued.

(4) The election office shall inform the election commission competent to register the candidate concerned and, if so requested, the candidate and the nominating organisation of the result of the verification of recommendations.

## **Section 128**

### **63. Notifying lists**

**Section 129** (1) The list notification shall contain, regarding all candidates on the list, the name of the candidate, his personal identifier, or, in the absence thereof, the number of his official identity verification card, his address, and his statement that

- a) he accepts the nomination,
- b) he has no position giving rise to incompatibility and conflict of interest with a representative’s mandate, or that he will eliminate incompatibility or conflict of interest if elected,
- c) he does not use, regarding the election concerned, foreign support or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters.



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

(3) The list may include only candidates who have the right of suffrage at the time of the notification of the list.

(4) A candidate included in the list may make a statement concerning a request under section 120 (5) at the time of the notification of the list at the latest.

**Section 130** (1) The order of candidates on the list shall not be modified after the notification of the list.

(2) If any of the candidates drops out of the list, his place shall be taken by the next candidate on the list. For a notified list, no new candidates may be notified.

(3) Nominating organisations may withdraw the list or the nomination of any candidate on the list not later than on the last day of the time limit set for list notification. Nominating organisations may not draw up a new list to replace a withdrawn list.

**Section 131** Juridical acts regarding joint lists shall be made by the nominating organisations drawing up the joint list together.

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

**Section 132** Not later than on the fourth day after notification, the competent election commission shall register every nominating organisation, candidate and list that complies with the statutory requirements.

**Section 133** (1) The election office shall verify the existence of notified organisations and the authenticity of their data in the court register of non-governmental organisations, and it shall verify the data of notified candidates in the central electoral register.

(2) The election commission shall refuse to register the nominating organisation, the candidate or the list if the notification does not comply with the statutory requirements.

(3) If a candidate on a list cannot be registered, but otherwise the list complies with the legal requirements, the election commission shall register the list without the candidate concerned.

**Section 134** The abbreviated name of a nominating organisation shall be the abbreviated name in the register of non-governmental organisations, or, in the absence thereof, an abbreviated name indicated at the notification of the nominating organisation, which shall not be the same as the full or abbreviated name of another organisation already recorded in the court register of non-governmental organisations or the register of nominating organisations, candidates and lists.

## **65. Register of nominating organisations, candidates and lists**

**Section 135** (1) The National Election Office and the election office at the election commission performing registration shall keep a publicly certified electronic register of notified and registered nominating organisations, candidates and lists with the data content set out in Annex 4. The National Election Office shall take the data of the candidates and nominating organisations from the central electoral register, the register of personal data and addresses as well as the court records of non-governmental organisations.

(2) The data of candidates shall be continuously updated, using the data in the central electoral register.

(3) If a nominating organisation, candidate or list is deregistered, the election office shall inform the election commission thereof at its next sitting.

**Section 136** The data of nominating organisations shall be continuously updated on the basis of the data in the court records of non-governmental organisations. If a nominating organisation is deleted from the court records of non-governmental organisations, the National Election Office shall deregister the nominating organisation from the register of nominating organisations. If a nominating organisation involved in nominating a joint candidate or drawing up a joint list is deregistered from the register of nominating organisations, it shall be deleted from ballot papers.

**Section 136/A** Changes in the data of a candidate or nominating organisation shall not affect the rights and obligations of that candidate or nominating organisation.

## **66. Candidate drop out**

**Section 137** (1) A candidate shall drop out if before the start of the voting in Hungary he is deregistered from the central electoral register or loses the right to stand as a candidate at the election, or if before the start of the voting the nominating organisation of the candidate is or all nominating organisations involved in nominating the joint candidate are deregistered from the register of nominating organisations, candidates and lists. Moreover, a candidate shall drop out if he resigns from candidacy in writing by 16.00 on the second day before voting day by electronic means after electronic identification, by submitting in person or through a delivery agent a declaration to the election office at the election commission that decided on registration. The drop-out candidate shall be deregistered from the register of nominating organisations, candidates and lists and from candidate ballot papers.

(2) Resignation by a candidate after the expiry of the time limit referred to in paragraph (1) shall not produce legal effects, and the votes cast for the candidate shall be considered valid votes.

(3) A candidate shall drop out of the list if he does not win a mandate at the election and resigns from candidacy in writing after voting day.

## 67. Elimination of list

**Section 138** A list shall be eliminated if the nominating organisation withdraws the list, all candidates on the list drop out before the start of the voting, or if the National Election Office deregisters the nominating organisation that drew up the list or all nominating organisations involved in drawing up the joint list from the register of nominating organisations, candidates and lists before the start of the voting. The eliminated list shall be deregistered from the register of nominating organisations, candidates and lists and from ballot papers.

### *Chapter VIII*

## *ELECTION CAMPAIGN*

## 68. Campaign period and campaign tools

**Section 139** (1) The election campaign period shall last from the 50th day before voting day until the end of voting on voting day.

(2) The rights granted to candidates and nominating organisations under this Chapter do not restrict the enforcement of the right to the protection of property of subjects of law other than the state and local governments as provided for in other laws.

**Section 140** Campaign tools means any tools that are capable of influencing or of attempting to influence the will of voters, including especially the following:

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

**Section 141** Campaign activities means the use of campaign tools during campaign period, and any other activity during campaign period aimed at influencing or at attempting to influence the will of voters.

**Section 142** The activities of election bodies, the personal communication between citizens as private persons, regardless of its content and form, and the activities carried out by the Constitutional Court, courts, local governments and other state organs in performing their functions provided for by the law shall not be considered election campaign.

**Section 143** (1) On voting day no campaign activities may be pursued

- a) in polling stations and in buildings in which polling stations are located,
- b) in public spaces within 150 metres of the entrance of a building used to access the polling station located within that building,

c) outside the areas specified in point b) in a manner capable of influencing the will of voters staying within that area.

(2) Posters lawfully placed before voting day shall not constitute a violation of the prohibition under paragraph (1) b) and c).

(3) Where multiple parallel election processes referred to in section 1 are running, the prohibition under paragraph (1) shall apply to all ongoing election processes.

**Section 143/A** (1) Voters shall be entitled to avail themselves of the assistance of another person for requesting a mobile ballot box or for getting to the polling station.

(2) A public call for requesting mobile ballot box and for transport to the polling station shall not be published, and transporting people to polling stations by buses shall not be allowed.

(3) A call, public notice and poster that calls for organising transport to the polling station, promotes tools facilitating transport to the polling station or calls for using such tools shall qualify as publication of a public call for transport to the polling station. Organising transport to the polling station and creating or publishing computer applications for organising transport to the polling station shall qualify as call for transport to the polling station.

**Section 143/B** (1) The laws governing the use of public spaces shall not apply to public spaces open for pedestrian traffic in respect of campaign activities designed to engage in personal communication with voters, provided that the size of public space used for the placement of equipment and fixtures during such activities does not surpass four square metres.

(2) The following in particular shall be deemed to constitute campaign activities for the purposes of paragraph (1):

- a) establishing contact with voters,
- b) personal discussions about public affairs,
- c) distributing flyers,
- d) gathering signatures.

## 69. Posters

**Section 144** (1) For the purposes of this section, poster means an election placard, inscription, flyer, projected image and emblem regardless of size and the surface it is on.

(2) During campaign period, nominating organisations and candidates shall be allowed to produce posters without permission or notification. The name and seat of the publisher and the name of the person responsible for publishing shall be indicated on posters.

(3) During campaign period posters may be placed without any limitation, except for the cases defined in paragraphs (4) to (7).

#### (4) Placing posters

- a) on a thing in private ownership shall be permitted only if the owner or the lessee,
- b) on a thing owned by the state or a local government shall be permitted if the entity exercising the asset management rights
- gives in advance written consent thereto.

(5) It shall be forbidden to place posters on protected monument assets, protected heritage elements, protected elements of architectural heritage, protected natural sites and assets, and on buildings that serve as premises for state and local government authorities or inside of them.

(6) The laws governing the use of public spaces shall apply to the placement of self-standing advertising equipment serving the election campaign and to billboards.

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

### **70. Election rallies**

**Section 145** (1) The provisions of the Act on the right of assembly shall apply to election rallies with the derogations specified in this section.

(2) Election rallies may be held during campaign period. Election rallies shall not be held on voting day.

(3) For the purposes of election campaign, state and local government budgetary organs shall make premises and other necessary equipment available to candidates and nominating organisations on equal terms. In buildings that serve as premises for state and local government authorities, it shall be prohibited to carry out election campaign activities and hold election rallies, except at settlements with less than five hundred inhabitants, provided that no other community building is available.

(4) In the event of a violation of law regarding an election rally, an election-related legal remedy shall be available only if the provisions of this Act are violated.

### **71. Political advertisements and political commercials**

**Section 146** For the purposes of this Chapter:

a) political advertisement means political advertisement within the meaning of point 55 in section 203 of Act CLXXXV of 2010 on media services and mass media (hereinafter the “Media Act”) with the difference that political party, political movement and Government shall be construed to mean nominating organisation and independent candidate,

b) political commercial means any media content published in a press product or audio-visual content published in a movie theatre in return for consideration, promoting or advocating support for a nominating organisation or independent candidate, or promoting their name, objectives, activities, slogan or emblem.

**Section 147** (1) The political advertisements of nominating organisations nominating candidates and of independent candidates shall be published by the media service provider on equal terms with regard to, in particular, the number, the order of appearing, duration and broadcast time of political advertisements. The nominating organisations of a joint candidate or joint list shall be jointly entitled to order political advertisement.

(2) No opinion or judgement shall be attached to political advertisements.

(3) Media service providers shall not demand or accept consideration for publishing political advertisements.

(4) Those who order political advertisements to be published in audio-visual media services shall arrange for the advertisements to be subtitled or to be provided with sign language interpretation.

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

(5) In other respects, the provisions of the Media Act shall apply to publishing political advertisements.

(6)

(7)

(8)

(9)

(10)

**Section 147/A** (1) During the campaign period before the general election of the Members of the National Assembly, the public media service provider shall be obliged to broadcast, as part of linear media services, political advertisements of the nominating organisations that drew up national list in a duration determined, after the registration with final and binding effect of all national lists, by the National Election Commission in accordance with paragraph (2).

(2) During the campaign period before the general election of the Members of the National Assembly, the length of time for broadcasting political advertisements shall be four hundred and seventy minutes for nominating organisations that drew up party list and one hundred and thirty minutes for nominating organisations that drew up national minority list. The length of time available to the nominating organisations shall be distributed equally among the party lists and national minority lists.

(3) The public media service provider shall broadcast political advertisements in equal shares as part of its linear audio-visual and radio media services that have the highest annual average audience share.

(4) The public media service provider shall be obliged to provide for the uninterrupted broadcasting of political advertisements three times daily, in time slots starting between 6.00 and 8.00, 12.00 and 14.00, and 18.00 and 20.00. The political advertisements of nominating organisations that drew up party list and of nominating organisations that drew up national minority list shall be broadcast successively. The order in which the political advertisements appear shall be changed daily to ensure equal opportunities.

(5) The public media service provider shall be obliged to broadcast the political advertisement on the day and in the time slot specified by the nominating organisations. The nominating organisations may request that a political advertisement be broadcast in a certain time slot once a day and for not longer than thirty seconds.

(6) The media service provider shall be obliged to broadcast the political advertisement if the nominating organisation hands over the political advertisement created by it not later than on the third day before broadcasting.

**Section 147/B** The provisions of section 147/A shall apply also to the election of the Members of the European Parliament, with the proviso that the total length of the available broadcast time regarding all lists shall be three hundred minutes.

**Section 147/C** The provisions of section 147/A shall apply also to the election of local government representatives and mayors, with the proviso that

a) the political advertisements of those eight nominating organisations shall be broadcast that nominated the most representative candidates and mayor candidates at country level; joint candidates and joint lists shall be taken into consideration according to the proportion of the nominations,

b) the total length of the available broadcast time regarding all lists shall be three hundred minutes.

**Section 147/D** At the general election of the national minority self-government representatives, on the day before voting day, the public media service provider shall be obliged to broadcast, as part of its linear audio-visual and radio media services, the political advertisements of the nominating organisations drawing up national list, once for each. The provisions of section 147/A (3) and (6) shall apply to broadcasting.

**Section 147/E** The public media service provider shall not broadcast any further political advertisement other than those according to sections 147/A to 147/D.

**Section 147/F** (1) During the campaign period before the general election, media service providers with linear national-level media services that are not covered by the provisions of section 147/A to 147/E shall communicate to the National Election Commission their intention to broadcast political advertisements, specifying their linear national-level media service or services that they intend to use for broadcasting political advertisements, not later than on the fiftieth day before voting day. If a media service provider does not communicate such an intention within the time limit, broadcasting political advertisements shall not be allowed. The National Election Office shall publish on the official election website the media service providers which communicated their intention and the media services as well as the length of broadcast time.

(2) With the exception of section 147/A (3), the provisions of sections 147/A to 147/E shall apply accordingly to broadcasting political advertisements, with the proviso that at the general election of the Members of the National Assembly, the election of the Members of the European Parliament and the election of local government representatives and mayors

a) the media service provider shall determine the length of time for broadcasting political advertisements for each media service; however, this time shall not be less than half of the time determined for the public media service provider,

b) when communicating its intention according to paragraph (1), the media provider shall indicate also the length of time according to point a),

c) if the length of time according to point a) is different from the time determined for the public media service provider, the National Election Commission shall proportionally lower or increase the time available for the individual nominating organisations.

(3) During an election campaign period, media service providers providing linear media services that are available on internet may broadcast political advertisements taking into account the rules of this section, while media service providers providing media services with local and district broadcast coverage may do so taking into account the rules of section 147.

**Section 148** (1) During an election campaign period, in press products defined in point 60 of section 203 of the Media Act, political advertisements may be published in accordance with the provisions laid down in this section.

(2) Political advertisements published in a press product shall be clearly recognisable and distinguishable from other media contents. The name and the domicile or seat of sponsors that ordered them shall be indicated on political advertisements.

(3) If a press product intends to publish political advertisements, it shall send a price list for its advertisement services to the State Audit Office within 5 working days after the election date is set; the State Audit Office shall register and publish on its website the price list. The press product shall publish the same price list on its website.



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

(5) The press products defined in paragraph (1) shall inform the State Audit Office of published political advertisements within 15 days after voting day. This information shall specify the sponsors of the political advertisements of the individual candidates and nominating organisations, the consideration paid, the time of publication and the volume. The State Audit Office shall publish this information on its website.

## **72. Direct political campaign**

**Section 149** Election campaign materials may be delivered to voters by direct distribution, taking into account section 89, with the proviso that the use of other data of the voter, such as phone number and email address, shall require explicit consent.

## **73. Opinion poll**

**Section 150** On voting day persons conducting opinion poll shall not enter the buildings in which polling stations are located, and shall not in any way disturb voters; they may only contact voters as they are exiting the building. The results of such opinion polls (exit polls) shall not be made public before the end of voting.

## **74. Legal remedy relating to the participation of the media in the campaign**

**Section 151** (1) The National Election Commission shall assess objections relating to the participation in election campaigns of media service providers, the press and movie theatres in violation of the provisions of this Act. The parliamentary single-member constituency election commission of the seat or domicile of the media content provider shall assess objections relating to a district, local or on-demand media service or a press product that is distributed in an area smaller than the whole country at the election of the Members of the National Assembly, and the regional election commission of the seat or domicile of the media content provider shall do so at the election of the Members of the European Parliament, the election of local government representatives and mayors and the election of national minority self-government representatives.

(2) For a violation of law in the page-for-page electronic copy of a printed press product, the time limit for submitting the objection shall expire on the third day after the publication of the printed press product.

(3) The applicant shall specify in the objection or, if possible, attach to it the programme that proves the violation of law. If the applicant did not attach the programme in question to the objection, the competent election commission as defined in paragraph (1) shall obtain it *ex officio* if necessary.

(4) Objections to an internet media content that is in violation of law shall be submitted within three days after the publication of the media content. An objection shall not be dismissed for late submission if it was submitted within three days after the detection of violation, and upon being called to do so by the election commission, the content provider is unable to provide sufficient evidence proving the date of publication of the media content.

(5) An objection shall not be examined as to its merits if the internet media content specified therein is an unaltered replication of other media content, and the objection is submitted later than three days after the date of publication of the original media content.

**Section 152** (1) If the election commission grants the objection, it shall apply the legal consequences referred to in section 218 (2) a) to c), and oblige the media content provider to publish the operative part of its conclusive decision as follows:

a) in the case of newspapers, internet press products and on demand media services, within three days of the communication of the conclusive decision, in a manner similar to the publication that constituted the violation,

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

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

(2) In addition to the measures referred to in paragraph (1), the election commission may impose a fine. In deciding whether it is justified to impose a fine and in determining the fine amount, the election commission shall consider all circumstances of the case, and in particular the type and broadcast coverage of the media service provider affected by, the characteristics of the press product affected by, the gravity of and the recurring nature of the violation. If the violation was evidently intentional, this fact shall be taken into account when determining the fine amount.

(3) The maximum fine amount shall be fifty times the monthly amount of the mandatory minimum wage.

(4) In the case of a periodical, the violation of section 2 (1) c) shall be established if the joint examination of two consecutive issues confirms it on the basis of the indicated evidence.

## **75. Data provision from the electoral register**

**Section 153** (1) While observing the provisions of section 89,

a) at the request of an individual candidate, the election office at the election commission competent to register the candidate concerned shall, with respect to the constituency concerned,

b) at the request of a nominating organisation drawing up a list, the National Election Office shall, with respect to the constituencies indicated by the nominating organisation,

hand over the name, address, age and sex of voters recorded in the polling district electoral register without delay after the data provision fee is paid, but not before the registration of the candidate or list pursuant to section 132 becomes final and binding.

(2) In a joint proceeding, those entitled to request data may use the data obtained from the data provision in each election concerned.

**Section 154** (1) The fee for the data provision under section 153 shall be three forints for each voter covered by the data provision.

(2) The data provision shall be conditional on the requesting party providing proof of the payment of the data provision fee to the account of the National Election Office.

**Section 155** (1) The data provided shall only be used for direct political campaigning. Other use, copying and handing over to third parties shall be forbidden.

(2) Candidates and nominating organisations drawing up a list registered pursuant to section 132 shall destroy the provided data on voting day at the latest, and it shall deliver the minutes taken of destruction to the election office that provided the data within three days.

## *Chapter IX*

### *PREPARATION OF VOTING*

#### **76. Content of the ballot paper**

**Section 156** (1) The basic data content of candidate ballot papers is set out in Annex 5, while the basic data content of list ballot papers is set out in Annex 6.

(2) The ballot paper shall contain the name of the candidate as specified in the request under section 120 (5) and 129 (4).

(3) The name of the constituency candidate shall be indicated in the same form on all recommendation sheets and ballot papers, irrespective of any changes in the name of the candidate. If the constituency candidate stands for election as a candidate also on a list, the same name, except for any distinguishing marks under section 157, shall be indicated in the list ballot paper as on the candidate ballot paper.

**Section 157** (1) If two or more voters with the same name are listed as candidates on a candidate ballot paper, the candidates shall be distinguished by indicating the year of their birth in parentheses after their name. If two candidates with the same name who were born in the same year are nominated by the same nominating organisation or stand for election as independent candidates, these candidates shall be distinguished on the ballot paper by indicating

a) the settlement of their address, or, if that is also identical,

b) their occupation

in parentheses after their name.

(2) In a situation under paragraph (1) b), the candidates concerned shall provide their occupation to be indicated on the ballot paper not later than on the third day after a request to that effect by the election office.

**Section 158** (1) In the case of joint candidates and joint lists, the ballot paper shall include the names of all nominating organisations involved in nominating the candidate and drawing up the list.

(2) At the request of the nominating organisation at the time of notification, the ballot paper shall indicate the abbreviated name and greyscale logo of the nominating organisation.

**Section 159** The name of the nominating organisation shall be indicated in the same form on all recommendation sheets and ballot papers, irrespective of any changes in the name of the nominating organisation.

## **77. Implementation of equal opportunities on ballot papers**

**Section 160** (1) Candidates and lists shall appear on ballot papers in the order determined by the election commission by drawing lots.

(2) The election commission shall draw lots to determine the order of notified candidates and lists, with the exception of candidates and lists whose registration was refused with final and binding effect, after 16.00 on the due date for the notification of candidates and lists. Lots need not be drawn if there is only one candidate or list.

(3) If, after drawing lots, a candidate or list is not registered or is deregistered, the relative order of candidates and lists on the ballot paper shall not change. Candidates and lists on a ballot paper shall be numbered consecutively.

(4) If there is only one candidate or list on a ballot paper, its serial number need not be indicated on the ballot paper.

**Section 161** (1) Data of candidates and nominating organisations shall be indicated on ballot papers in capital letters using the same font and the same font size.

(2) On the ballot paper, the logo of a nominating organisation shall be placed in an area that is twenty millimetres tall and forty millimetres wide.

(3) If the nominating organisations involved in nominating a joint candidate or drawing up a joint list request multiple logos to be indicated on the ballot paper, they shall all be placed in an area that is twenty millimetres tall and forty millimetres wide.

## **78. Approving the data content of ballot papers**

**Section 162** (1) The election commission shall be responsible for approving the data content of ballot papers after adopting a conclusive decision on the registration of every notified candidate and list.

(2) If, as a result of a decision on a legal remedy or of deregistration, the content of a ballot paper changes after the approval of its data content, no new approval by the election commission shall be required; the election office shall provide for updating the ballot papers to reflect such changes and inform the election commission as well as the nominating organisations and independent candidates concerned accordingly.

## **79. Production of ballot papers**

**Section 163** (1) The National Election Office shall be responsible for producing ballot papers.

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

**Section 163/A** The National Election Office shall transmit ballot papers to the competent election offices.

## **80. Handing over documents and equipment for the day of voting**

**Section 164** (1) On the day before voting day, the local election office shall hand over to the chair of the polling station commission the polling district electoral register, the list of voters who requested mobile ballot box, the ballot papers and other equipment required for voting.

(2) The local election office shall provide for the safekeeping of documents and equipment until voting day.

## **81. Arrangement of polling stations**

**Section 165** (1) Polling stations shall be arranged so that

- a) they are easily accessible to voters;
- b) they guarantee the exercise of rights by voters free of any influence;
- c) they ensure the undisturbed operation of polling station commissions.

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

**Section 166** In each settlement and in each constituency there shall be at least one polling station where accessibility is ensured.

**Section 167** (1) The local election office shall be responsible for setting up polling stations.

(2) To ensure the secrecy of voting, as many polling booths need to be set up in a polling station as required for the smooth conduct of voting, but not less than two.

(3) At least two ballot boxes shall be placed and at least one mobile ballot box shall be available in a polling station.

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

(5) Braille voting template shall be provided in polling stations where there are voters recorded in the polling district electoral register who requested assistance pursuant to section 88 c) not later than on the ninth day before voting day.

## *Chapter X*

### *VOTING*

#### **82. Place of voting**

**Section 168** Voters shall vote in the polling district of their address

a) either at a polling station or

b) by mobile ballot box.

#### **83. Voting period**

**Section 169** For casting votes at a polling station, the period between 6.00 and 19.00 on voting day shall be available.

#### **84. Voting at a polling station**

**Section 170** Polling stations shall not be closed during the voting period, and voting shall not be extended or, with the exception of extraordinary events jeopardising the freedom, secrecy or conduct of election, suspended.

**Section 171** (1) If the number of members participating in the work of a polling station commission or, in the case of a settlement with a single polling district, the local election commission is less than five, the head of the local election office shall supplement the commission by delegating elected members. If supplementing the commission in this manner is not possible, the head of the regional election office shall ensure supplementation by delegating members from polling station commissions of other settlements.

(2) If the number of polling station commission members present at the polling station falls below three on voting day, or voting becomes impossible due to an event that jeopardises the freedom, secrecy or conduct of election, the polling station commission members present shall immediately suspend voting, seal the ballot boxes and documents and inform without delay the head of the local election office of suspension with a view to ensuring the lawful continuation of voting.

**Section 172** (1) Members of polling station commissions shall use only pens that are officially placed in the polling station.

(2) During the period of voting, members of the polling station commission shall not use any tools suitable for data recording or data transmission in the polling station other than official election documents and the pen referred to in paragraph (1).

**Section 173** (1) After the election documents and other equipment are placed, until the voting starts, only members of the polling station commission and the election office, and the international observer may be present in the polling station.

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

(3) Voters and their assistants under section 181 (1) may be present in the polling station for the time required for exercising the right to vote.

**Section 174** (1) Before the voting starts, the polling station commission, together with the voter voting first, who must not be a member of the polling station commission or the keeper of minutes, shall examine the condition of ballot boxes and check whether they are empty.

(2) Ballot boxes shall be sealed in the presence of the voter voting first in such a manner that ballot papers cannot be removed from them without taking the ballot box apart.

(3) Subsequently, the polling station commission members present and the voter voting first shall certify, signing the polling district minutes, that the ballot boxes were sealed empty and in accordance with the rules.

(4) The polling station commission shall place a control sheet in the mobile ballot box containing the time and date of the placement of the control sheet and the signatures of the members of the polling station commission present and of the voter voting first.

(5) Voting shall not commence before the ballot boxes are authenticated.

**Section 175** (1) Only voters who are on the printed copy of the polling district electoral register shall be allowed to vote at the polling station.

(2) Also the voters who are registered on the list of voters who requested mobile ballot box shall be allowed to vote at the polling station, provided that the list is in the polling station.

**Section 176** (1) Voters shall provide proof of their identity by furnishing an official verification card suitable for verifying identity issued by a Hungarian authority. Nationals of another Member State of the European Union shall verify their identity by furnishing a passport or other identity card issued by the competent authority of the Member State of their nationality.

(2) Voters shall verify

a) their address by furnishing a document suitable for verifying address, or

b) their personal identifier by furnishing a document suitable for verifying personal identifier.

(3) The polling station commission shall verify whether the citizen is on the printed copy of the polling district electoral register.

**Section 177** (1) The polling station commission shall refuse a voter who

- a) cannot verify his identity and address or personal identifier,
- b) is not on the printed copy of the polling district electoral register,
- c) has already voted,
- d) refuses to confirm having received the ballot paper pursuant to section 179.

(2) The keeper of minutes shall keep a separate list of refused voters; refusals shall not require the form of a conclusive decision by the polling station commission.

**Section 178** (1) If no obstacle to voting exists, the polling station commission shall hand over the ballot paper to the voter on the basis of the polling district electoral register, placing a stamp in the top left corner in the presence of the voter, and shall hand over the envelope for the ballot paper.

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

(3) Where a candidate on a candidate ballot paper drops out, or a list is eliminated, after the fourteenth day prior to voting but before voting day, and ballot papers have already been produced, the polling station commission shall inform the voters to that effect in a notice displayed in the polling station, and, if necessary, orally. The local election office before voting day, or the polling station commission on voting day, shall cross out on the ballot paper the names of drop-out candidates or eliminated lists.

**Section 179** (1) Voters shall confirm the receipt of the ballot paper by signing the printed copy of the polling district electoral register or, in the situations referred to in section 175 (2), the list of voters who requested mobile ballot box in their own hand.

(2) For a voter who is unable to write, two members of the polling station commission shall sign the electoral register, recording this fact in the register.

**Section 180** (1) There shall be polling booths at the disposal of voters for filling in the ballot paper. The polling station commission shall advise, but may not oblige, voters to use the polling booth.

(2) With the exception specified in section 181 (1), only the voting voter may stay inside the polling booth when filling in the ballot paper.

(3) While staying in the polling station, voters shall in no way impede other voters in exercising their right to secret ballot.



**Section 181** (1) Voters who cannot read or are prevented from voting by a physical handicap or due to any other reason may use the assistance of a person of their choice or, for lack of such assistants, the joint assistance of two members of the polling station commission.

(2) In polling districts under section 167 (5), visually impaired voters may use braille voting templates to facilitate voting. The polling station commission shall place the ballot paper of the voter in the voting template before handing it over to the voter. After voting, the voter shall remove the ballot paper from the template, he may put it in an envelope, and he shall drop it in the ballot box, and hand back the voting template to the polling station commission.

**Section 182** (1) Voters may put the ballot paper in the envelope, and shall drop it in the ballot box.

(2) If a voter gives notice, before placing the ballot paper in the ballot box, that he filled in the ballot paper erroneously, the polling station commission shall withdraw the spoilt ballot paper, shall put it into an envelope reserved for this specific purpose and issue a new ballot paper in place of the spoilt one. The polling station commission may issue a new ballot paper in place of a spoilt one only once for each voter and for each type of ballot paper.

**Section 183** Voters standing in queue at 19.00 shall be allowed to vote. Subsequently, the polling station commission shall close the voting.

### **85. Voting by mobile ballot box**

**Section 184** (1) Within the territory of the polling district, two members of the polling station commission shall take the mobile ballot box to voters who are registered on the list of voters who requested mobile ballot box.

(2) If a voter has been transferred from the polling district electoral register of his address to the electoral register of another polling district pursuant to section 102 (3) and he asks for a mobile ballot box to be taken to his address in accordance with section 103 (2) b) ba) or c), two members of the polling station commission shall take the mobile ballot box to the address of the voter outside the territory of the polling district.

(3) To replace any spoilt ballot papers, the two members of the polling station commission shall take with them for voting by mobile ballot box ten more ballot papers than the number of voters concerned.

(4) For voting by mobile ballot box, the polling station commission shall stamp ballot papers in advance at the polling station.

(5) The members of the polling station commission shall, upon return to the polling station, make unfit for use, and pack separately, any ballot papers stamped in advance that were not used for voting by mobile ballot box.

(6) Voting by mobile ballot box shall be organised in a manner that ensures that the members of the polling station commission return to the polling station with the mobile ballot box by 19.00.

**Section 185** (1) The provisions of sections 175 to 182 shall apply accordingly to voting by mobile ballot box with the proviso that instead of the electoral register, the list of voters who requested mobile ballot box shall be used.

(2) Instead of a polling booth, conditions ensuring the secrecy of voting shall be provided to voters.

## **86. Voting process**

**Section 186** (1) Valid votes may only be cast on candidates or lists that are on the official ballot paper.

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

## *Chapter XI*

### *ESTABLISHING THE RESULT*

## **87. Publicity of vote counting**

**Section 187** When votes are counted, only the polling station commission, the keeper of minutes, media content provider representatives and international observers may be present in the polling station.

## **88. Vote counting**

**Section 188** The polling station commission shall count the votes cast at the polling station and by mobile ballot box without delay after the voting is closed.

**Section 189** The polling station commission shall count unused and spoilt ballot papers first and pack them separately.

**Section 190** The polling station commission shall establish the number of voters who turned up to vote on the basis of the polling district electoral register and the list of voters who requested mobile ballot box.

**Section 191** (1) The polling station commission shall verify that a ballot box is intact before opening it; then it shall open the ballot box.

(2) If the control sheet is not found in a mobile ballot box, all ballot papers in the mobile ballot box concerned shall be invalid. In such a situation, the ballot papers concerned shall be counted and packed separately.

**Section 192** With the exception of ballot papers invalid under section 191, the polling station commission shall mix the ballot papers from the ballot boxes with those from the mobile ballot box, and count them.

**Section 193** (1) A ballot paper shall be invalid if

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

(2) A vote shall be invalid if

- a) it was cast in a manner other than that specified in section 186 (2),
- b) it was cast on a drop-out candidate or eliminated list.

(3) Additional invalid votes within the meaning of paragraph (2), or any comments, such as changing the order of candidates and lists, crossing out the name of a candidate or a list, or adding a name or a list, on a ballot paper shall not affect the validity of a vote that otherwise meets all requirements.

**Section 194** The polling station commission shall group invalid ballot papers separately and count them. The cause of invalidity shall be written on the back of the ballot paper, and it shall be signed by the members of the polling station commission present. The polling station commission shall pack invalid ballot papers separately.

**Section 195** Valid votes shall be counted separately for each candidate and list, and then the ballot papers shall be packed. The number of valid votes per candidate and per list shall be written on the package.

**Section 196** Ballot papers and votes shall be counted at least twice. Counting shall be repeated until the result is the same as the result of a previous count.

**Section 197** If the number of ballot papers with an official stamp that are found in a ballot box exceeds the number of voters who turned up to vote, the polling station commission shall declare invalid a number of votes cast for each candidate and each list equal to the number of surplus votes.

**Section 198** Packages containing ballot papers shall be sealed in such a manner that ballot papers cannot be removed from, or put into, them without damaging the packaging. The serial number of the polling district and the designation and number of ballot papers in the package shall be written on the package. The polling station commission members present shall authenticate the package by signing and stamping it.

## **89. Establishing the result in polling districts**

**Section 199** After counting the votes, the polling station commission shall establish the result of the election in the polling district.

## **90. Establishing the election result**

**Section 200** The election commissions, not including polling station commissions, shall establish the election result in a conclusive decision. The minutes on the result shall be annexed to the conclusive decision.

**Section 201** When establishing the result of list voting, lists shall be considered in the order determined in accordance with the result of the drawing lots under section 160 (1).

## **91. Minutes**

**Section 202** (1) Minutes shall be drawn up on the results in the polling districts and the election results.

(2) Minutes shall be made in two copies signed by the election commission members present.

(3) After the minutes are filled in, the keeper of minutes of the polling station commission shall, without delay, transfer the data content of the polling district minutes to the local election office, which shall record the data content in the election information system.

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

**Section 203** (1) After the vote counting is completed and the minutes are filled in, the polling station commission shall, without delay, transport the minutes, election documents, forms and ballot papers to the local election office, which shall record the data content of the polling district minutes in the election information system.

(2) After the voting is closed, election offices shall publish informational data containing the unauthenticated election results.

**Section 204** A copy of the minutes may be inspected at the competent election office for three days following voting day.

**Section 205** (1) The ballot papers shall be placed at the local election office, and shall be retained until destroyed in such a manner that unauthorised persons cannot access them. If there is a criminal proceeding regarding election results, the ballot papers concerned shall be retained until the case is closed with final and binding effect.

(2) The first copy of the minutes shall be handed over to the National Archives of Hungary after ninety days.

## 92. Credentials

**Section 206** (1) The election commission that established the election result shall issue the credentials to the representative-elect within five days after the election result becoming final and binding or after the legal remedy proceedings that could lead to the repetition of voting are concluded with final and binding effect, whichever is later.

(2) If a vacancy is filled without holding a by-election, the credentials shall be issued to the representative within five working days after the conclusive decision on allocating the mandate becoming final and binding.

(3) The election commission may delegate its powers under paragraphs (1) and (2) to the chair of the election commission.

## 93. Registration of representatives

**Section 207** (1) The National Election Office shall keep records on elected representatives.

(2) The election office at the election commission that issued credentials shall transfer to the register of representatives any changes in the person of the representative concerned between general elections.

(3) The National Election Office shall continuously update, on the basis of data from the central electoral register, the data of representatives set out in points a) to g) of Annex 9 during the term of their mandate, and inform, without delay, the election commission that issued the credentials of any deregistration from the central electoral register other than a deregistration under section 97 (3) and of a loss of the right to stand as a candidate at elections.

(4) A representative who is deregistered from the central electoral register under section 97 (3) need not be deregistered from the register of representatives.

(5) The chair of the election commission that issued the credentials shall provide information of the loss of suffrage of the representative concerned in a notice sent to

a) the Speaker of the National Assembly if that representative is a Member of the National Assembly,

b) the President of the European Parliament if that representative is a Member of the European Parliament,

c) the head of a mayor's office or joint local government office if that representative is a local government representative or mayor,

d) the president of the national minority self-government if that representative is a national minority self-government representative.

(6) The data set out in points c) to e) of Annex 9 shall be deregistered from the register of representatives after the expiry of fifteen years from the termination of the mandate.

### **93/A Filling a list vacancy**

**Section 207/A** (1) If a representative elected from a list drops out, the candidate to whom the mandate is allocated in place of the drop-out candidate shall be notified to the election commission by the nominating organisation no later than on the thirtieth day from the seat becoming vacant.

(2) If the National Election Office deregisters a nominating organisation involved in drawing up a joint list from the register of nominating organisations, candidates and lists, the candidate who obtains mandate shall be notified by the other nominating organisations involved in drawing up the joint list.

(3) If the National Election Office deregisters the nominating organisation drawing up the list or all nominating organisations involved in drawing up the joint list from the register of nominating organisations, candidates and lists, vacancy shall be filled by the next candidate on the list.

## *Chapter XII*

### *LEGAL REMEDY*

### **94. Submitting objections**

**Section 208** Objections may be submitted by voters recorded in the central electoral register, candidates, nominating organisations and natural and legal persons and organisations without legal personality affected by the case, referencing a breach of the laws on the election or the fundamental principles of election and election procedure (hereinafter “violation”).

**Section 209** (1) Objections shall be submitted so that they are received by the election commission competent to assess the objections not later than on the third day after the commission of the objected violation.

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

(3) For printed press products, the time of the commission of the violation shall be the day of the publication of the press product. In this case, the provisions of paragraph (2) shall not apply.

**Section 210** (1) Objections against the operation of an election office shall be assessed by the election commission at which the election office concerned operates.

(2) If there is no election commission under paragraph (1) at the election, the election commission at which the superior election office of the election office concerned operates shall assess the objection.

**Section 211** Objections may be submitted against the activities and decisions of the polling station commission, except for the decision establishing the polling district result.

**Section 212** (1) Objections shall be submitted in writing.

(2) Objections shall include the following:

- a) description of the violation,
- b) evidence for the violation and
- c) name and address (seat) of the submitter of the objection,
- d) personal identifier of the submitter of the objection, or, for a voter with no address in Hungary who lives abroad and has no personal identifier, the type and number of his official identity verification card, or, for a nominating organisation or other organisation, its court registration number.

(3) Objections may include the email address or postal contact address of the submitter.

## **95. Transfer of objections**

**Section 213** (1) If an election commission deems that it is not competent to assess an objection, it shall transfer, in a minuted decision, the case to the election commission competent to assess it not later than on the day following the day of receipt. Election commissions shall be obliged to proceed in cases transferred to them.

(2) The election commission may delegate, in a minuted decision, its powers under paragraph (1) to the chair of the commission.

(3) If the election commission or the chair of the election commission does not transfer the case to the competent election commission, the election commission concerned shall be obliged to proceed in the case.

(4) If the objection is transferred, the date on which the first election commission received the objection shall be decisive when examining whether the objection was submitted within the relevant time limit.

(5) If the National Election Commission finds that it has no subject-matter competence regarding an objection transferred to it, it may arrange for the transfer of the objection to the competent election commission not later than on the day following the day of transfer.

## **96. Assessing objections**

**Section 214** (1) The election commission shall decide on submitted objections not later than on the third day of receipt or, for transferred objections, of receipt by the election commission competent to assess the objection.

(2) The National Election Commission shall decide on an objection regarding the violation of election campaign rules on general election day not later than on the fifth day after it receives it.

(3) The election commission shall make a decision within fifteen days after the submission of an objection if the application relates to an election other than one the date for which has already been set, but the result of which has not yet become final and binding.

**Section 215** An objection shall be rejected without examination as to its merits if

- a) it was submitted by a person other than a person entitled to do so under section 208,
- b) it is submitted late,
- c) it does not contain the elements required by section 212 (2), or
- d) no election commission has the power to assess it.

**Section 216** Objections may be withdrawn until the conclusive decision of the election commission is adopted; however, the election commission may continue to proceed *ex officio*.

**Section 217** (1) The election commission may order the joining of cases pending before it concerning connected subjects for joint examination and assessment.

(2) If another objection is submitted in a case that has been assessed on the merits by the election commission, and it does not contain any evidence that has not been previously evaluated by the election commission, the chair of the election commission shall send to the submitter of the objection a copy, without any personal data, of the conclusive decision by the election commission, and shall inform accordingly the election commission at its next sitting.

(3) The election commission shall acknowledge the information by the chair in a minuted decision or, if the conditions under paragraph (2) are not met, it shall adopt a conclusive decision on the merits of the case.

**Section 218** (1) The election commission shall decide on objections on the basis of available information.

(2) If the election commission grants the objection,

- a) it shall establish the violation,
- b) it shall order the violator to cease the violation,
- c) it shall annul and have repeated the election process or the part of it affected by the legal remedy,
- d) it may impose a fine for the violation of the rules of the election campaign or for a breach of an obligation under section 155.



**Section 219** (1) In deciding whether it is justified to impose a fine and in determining the fine amount, the election commission shall consider all circumstances of the case, and in particular the number of people affected by, the gravity of, the territory affected by and the recurring nature of the violation. If the violation was evidently intentional, this fact shall be taken into account when determining the fine amount.

(2) The maximum fine amount shall be five times the monthly amount of the mandatory minimum wage for natural persons, and fifteen times the monthly amount of the mandatory minimum wage in any other case.

(3) If the person liable for its payment did not pay a fine within fifteen days of the conclusive decision imposing the fine becoming final and binding, the National Election Office shall, after the expiry without result of a time limit set in a call for voluntary performance, request the state tax authority to collect the outstanding amount of the fine as public due to be collected as tax.

**Section 220** If the election commission does not grant an objection, it shall dismiss it.

## **97. Appeals**

**Section 221** (1) Natural and legal persons and organisations without a legal personality affected by the case may submit an appeal challenging a first-instance conclusive decision by the election commission.

(2) Minuted decisions, conclusive decisions adopted by the election commission of second instance, and conclusive decisions adopted by the National Election Commission shall not be subject to appeal.

## **98. Judicial review**

**Section 222** (1) Natural and legal persons and organisations without a legal personality affected by the case may submit a judicial review application against a second-instance conclusive decision by the election commission and a conclusive decision adopted by the National Election Commission.

(2) Judicial review shall be conducted only if in the election process, the right of appeal is exhausted or appeals are excluded by the provisions of this Act.

(3) Minuted decisions shall not be subject to judicial review.

## **99. Submitting appeals and judicial review applications**

**Section 223** (1) Appeals shall be submitted in writing, while judicial review applications shall be submitted in person, by mail or as an electronic document signed, using a qualified electronic signature, by the legal representative of the submitter or, in the cases specified in section 224 (5), by the submitter. If a judicial review application is submitted as an electronic document, the applicant shall convert the page-for-page copies of its annexes into electronic deeds.

(2) The election commission that proceeded in the case concerned and its members shall not submit appeals and judicial review applications.

(3) Appeals and judicial review applications may be submitted

a) with reference to a violation and

b) against a conclusive decision adopted by the election commission within its discretionary power.

**Section 224** (1) Appeals and judicial review applications shall be submitted to the election commission that adopted the challenged conclusive decision.

(2) Appeals and judicial review applications shall be submitted so that they are received by the election commission referred to in paragraph (1) not later than on the third day after the adoption of the challenged conclusive decision.

(3) Appeals and judicial review applications shall include the following:

a) grounds for the application under section 223 (3),

b) name and address (seat) of the submitter of the application,

c) personal identifier of the submitter of the application, or, for a voter with no address in Hungary who lives abroad and has no personal identifier, the type and number of his official identity verification card, or, for a nominating organisation or other organisation, its court registration number.

(4) Appeals and judicial review applications may include the email address or postal contact address of the submitter.

(5) In a judicial review proceeding, representation by an attorney-at-law shall be mandatory. A person who has passed the professional examination in law, attaching a simple copy of his professional examination certificate, may proceed in his own cases without being represented by an attorney-at-law.

**Section 225** In an appeal or judicial review application new facts and evidence may also be put forward.

**Section 226** The election office shall refer, on the day of receipt, the appeal, together with all documents of the case, to the election commission entitled to assess the appeal.

**Section 227** (1) The election office shall refer, no later than by 9.00 on the day following receipt, the judicial review application, together with all documents of the case, to the court entitled to adjudicate it.

(2)

## **100. Adjudication of appeals, judicial review applications, and constitutional complaints related to elections**

**Section 228** (1) The election commission entitled to assess an appeal shall decide on the appeal not later than on the third day following receipt.

(1a) The election commission shall decide within fifteen days after the submission of an appeal if the application relates to an election other than one the date for which has already been set, but the result of which has not yet become final and binding.

(2) The court shall decide on a judicial review application not later than on the third day from receipt. The provisions of the Act on the Code of Administrative Court Procedure shall apply accordingly to the proceedings of the court, with the derogations specified in this Act.

(3) The court shall decide within fifteen days after the receipt of a judicial review application if the application relates to an election other than one the date for which has already been set, but the result of which has not yet become final and binding.

**Section 229** (1) The Curia shall adjudicate judicial review applications.

(2) The court, sitting as a panel of three professional judges, shall decide upon a judicial review application in a non-contentious proceeding.

**Section 230** Appeals and judicial review applications may be withdrawn until the decision of the election commission or the court is adopted; however, the election commission may continue to proceed in the appeal proceeding *ex officio*.

**Section 230/A** The election commission may assess appeals filed against the same first-instance conclusive decision in a single procedure.

**Section 231** (1) An appeal or a judicial review application shall be rejected without examination as to its merits if

a) it was submitted by a person other than a person entitled to do so under section 221 (1) or section 222 (1),

b) it is submitted late,

c) it was submitted to an election commission other than the one under section 224 (1),

d) it does not contain the elements required by section 224 (3).

(2) Judicial review applications submitted in violation of the provision under section 224 (5) shall also be rejected without examination as to their merits.

(3) An appeal or a judicial review application shall not be rejected if the person entitled to submit it submits, within the relevant time limit, the appeal to the election commission entitled to assess it or the judicial review application to the court entitled to adjudicate it. In such a situation, the election office at the election commission entitled to assess the appeal or the court shall, without delay, provide for obtaining the documents.

(4) The election commission entitled to assess the appeal and the court shall, acting on the basis of the appeal or the judicial review application, respectively, examine the objected conclusive decision and the underlying proceeding.

(5) The election commission or the court shall either

a) uphold or

b) amend

the challenged conclusive decision.

**Section 232** (1) The election commission of second instance shall communicate the conclusive decision adopted in the appeal procedure to

a) the appellant,

b) those on whom the decision confers rights or imposes obligations and

c) those to whom the first-instance decision was communicated.

(2) After the conclusive decision becomes final and binding, the election commission of second instance shall send back to the election commission of first instance the documents received for assessing the appeal together with the conclusive decision.

(3) The court shall communicate the decision adopted in the judicial review proceeding to

a) the applicant,

b) those on whom the decision confers rights or imposes obligations and

c) those to whom the second-instance decision was communicated.

(4) Except for personal data, the court shall make its decision public. The name of the candidate and the nominating organisation shall be made public in the decision.

(5) No further legal remedy shall lie against decisions by the court.

(6) After the expiry without result of the time limit available for filing a constitutional complaint or, if a constitutional complaint was filed, after the documents are returned by the Constitutional Court, the court shall send back to the election commission that adopted the conclusive decision subject to review the documents received for adjudicating the judicial review application, together with its decision.

**Section 233** (1) The time limit for submitting to the Constitutional Court a constitutional complaint against a court decision adopted, in accordance with this Act, in a legal remedy proceeding relating to the conclusive decision of an election body shall be three days from the communication of the objected conclusive decision.

(2) The Constitutional Court shall decide, pursuant to section 56 of Act CLI of 2011 on the Constitutional Court, on a constitutional complaint against a court decision adopted, in accordance with this Act, in a legal remedy proceeding relating to the conclusive decision of an election body within three working days of receipt, while on an admitted constitutional complaint, it shall decide within three further working days.

(3) Section 30 (2), (3) and (5), section 55 (3), section 57 (1) to (1f) and (7), section 58 (1) and section (60) of Act CLI of 2011 on the Constitutional Court shall not apply to a proceeding concerning a constitutional complaint against a court decision adopted, in accordance with this Act, in a legal remedy proceeding relating to a conclusive decision by an election body.

(4) The provisions of paragraphs (1) to (3) shall not apply if the application relates to an election other than one the date for which has already been set, but the result of which was not yet final and binding at the time of the adoption of the conclusive decision of the election body.

#### **101. Legal remedy regarding the arrangement and review of polling districts**

**Section 234** (1) An appeal challenging a resolution by the head of the local election office on the arrangement and review of polling districts shall be submitted to the head of the local election office during the period for which the conclusive decision is published.

(2) The head of the local election office shall refer the appeal to the head of the regional election office, who shall assess it within three days and either modify the division of polling districts or dismiss the appeal.

(3) No further legal remedy shall lie against the conclusive decision by the head of the regional election office.

#### **102. Legal remedy regarding the electoral register**

**Section 235** (1) An appeal challenging a decision by the National Election Office regarding the central electoral register shall be submitted not later than on the thirtieth day from its adoption.

(2) An appeal challenging a decision by the election office regarding the polling district electoral register shall be submitted not later than on the third day following the receipt of the notification about the decision or, if delivery took place in accordance with section 13/E (2) a) ab), following the adoption of the decision, but by 14.00 on the second day before voting day at the latest.

**Section 236** (1) An appeal regarding the electoral register shall be submitted to the election office that adopted the challenged decision.

(2) The head of the election office shall decide on the appeal not later than on the fifteenth day after its receipt or, for an appeal against a decision adopted after the election date has been set, not later than on the next working day after its receipt, but by 15.00 on the second day before voting day at the latest.

(3) If the head of the election office grants the appeal, he shall modify the decision.

(4) If the head of the election office does not grant the appeal, he shall refer the appeal to the Budapest-Capital Regional Court not later than on the last day of the time limit for its assessment.

(5) The court shall decide on the appeal not later than on the fifteenth day after its receipt or, for a decision adopted after the election date has been set, on the third day after its receipt, but on the day before voting day at the latest. In a court proceeding, representation by an attorney-at-law shall not be mandatory. The court shall sit as a single judge.

(6) If the court finds the appeal well-founded, it shall modify the decision; otherwise, it shall dismiss the appeal.

**Section 237** An appeal shall be dismissed if the submitter bases it on facts that contradict data in the register of personal data and address of citizens, the relevant register according to the official identity verification card and the register of citizens without suffrage.

**Section 238** The conclusive decision by the head of the election office shall be communicated to the person concerned and the person who submitted the appeal; the decision by the court shall be communicated also to the head of the election office that adopted the challenged conclusive decision.

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

**Section 239** No independent legal remedy shall lie against the drawing of lots under section 160. Legal remedy regarding the lawfulness of the drawing of lots may be sought as part of a judicial review application against the approval of the data content of the ballot paper.

### **104. Legal remedy against the approval of the data content of ballot papers**

**Section 240** (1) A conclusive decision by the election commission regarding the approval of the data content of the ballot paper shall not be subject to appeal.

(2) A judicial review application against a conclusive decision by the election commission regarding the approval of the data content of the ballot paper shall be submitted so that it is received by the election commission that adopted the challenged conclusive decision not later than on the day after the adoption of the conclusive decision by the election commission. The judicial review application shall be adjudicated by the Curia. The court shall decide on the judicial review application not later than on the day following referral.

## **105. Legal remedy against election results**

**Section 241** (1) A legal remedy against the decision by a polling station commission establishing the polling district result shall be available only together with an appeal challenging the decision by the election commission establishing the election result.

(2) Appeals challenging the decision by the election commission establishing the election result may be submitted only with reference to

a) the unlawfulness of the decision by the polling station commission establishing the polling district result, or

b) a violation of the rules on aggregating polling district results and establishing the election result.

(3) If an appeal submitted pursuant to paragraph (2) a) may be assessed only if the votes are recounted, the election commission assessing the appeal or the court adjudicating the judicial review application shall be obliged to recount the votes. If the votes are recounted, the time limit available for assessing the appeal or adjudicating the judicial review application shall be extended to six days, and the election commission or the court may make use of assistance by the members of election offices.

(4) After the polling station commission establishes the polling district result, the votes may only be recounted pursuant to paragraph (3).

## **106. Legal remedy due to the silence of an election body**

**Section 242** (1) If an election body fails to discharge its procedural obligations within the relevant time limit, the superior election body shall, within three days of receiving an objection to that effect or of officially becoming aware of the fact, establish the fact that a violation occurred, and

a) instruct the election body on the part of which the omission arose to conduct the proceeding as a matter of priority, or

b) adopt the omitted decision itself.

(2) If the National Election Commission fails to discharge its procedural obligations within the relevant time limit, the Curia shall, within three days of receiving an objection to that effect, establish the fact that a violation occurred, and instruct the National Election Commission to conduct the proceeding as a matter of priority.

(3) If the National Election Commission fails to discharge its obligation to establish the election result within two days of being instructed by the Curia pursuant to paragraph (2), the Curia shall establish, within two days, the election result on the basis of the minutes. The provisions of section 233 shall apply accordingly to constitutional complaints challenging the decision of the Curia.

(4) Regarding the time limits referred to in paragraphs (1) and (2), also the provisions of section 214 (3) and section 228 (1a) and (3) shall apply.

## SPECIAL PART

### *Chapter XIII*

#### *ELECTION OF THE MEMBERS OF THE NATIONAL ASSEMBLY*

**Section 243** Chapters I to XII of this Act shall apply to the elections of the Members of the National Assembly with the derogations specified in this Chapter.

#### **107. Setting the election date**

**Section 244** (1) The National Election Commission shall set the date for the by-election of the Members of the National Assembly, taking account of the recommendation by the parliamentary single-member constituency election commission.

(2) If the election commission or the court orders postal voting to be repeated, it shall set, in its decision on having the voting repeated, the date for repeated voting to a date between the fortieth and fiftieth day after the date of the voting to be repeated.

#### **108. Election bodies**

**Section 245** (1) The following election commissions shall operate in the election of the Members of the National Assembly:

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

(2) With the exception of the national self-governments of national minorities, nominating organisations entitled to delegate members to the National Election Commission may delegate up to five observers to the National Election Office to verify the lawfulness of voting document check and the counting of votes. Members of the election commission or election office shall not be observers.

(3) Only voters recorded in the central electoral register who have taken the oath or the affirmation before the chair of the election commission reciting the wording laid down in the Act on the oath and affirmation of certain public law officers may serve as observers. The provisions of section 5 (3), (4) a), b) and d), and (5) shall, in other respects, apply to observers.



(4) If the head of the local election office divides the electoral register into several parts pursuant to section 257/A, the nominating organisations and independent candidates who delegate members to the polling station commission concerned may delegate further members to the polling station commission by 16.00 on the second day before voting day in a manner to have

a) not more than one delegated member per location in a situation under section 257/A (1) a),

b) not more than two delegated members per polling sub-district in a situation under section 257/A (1) b).

(5) The head of the local election office shall notify without delay those entitled to delegate of the option set out in paragraph (4).

(6) The head of the local election office may complement a polling station commission by adding the necessary number of members for the performance of the task laid out in section 292 (4).

### **109. Arrangement of polling districts**

**Section 246** In settlements with more than one parliamentary single-member constituency, the polling district under section 78 (1) shall be designated in the parliamentary single-member constituency in which the seat of the mayor's office or joint local government office is located.

### **110. The polling district electoral register**

**Section 247** (1) The printed polling district electoral register shall not contain data on voters recorded in the foreign mission electoral register and, with the exception set out in section 257 (1b), in the postal voter electoral register.

(2) For absentee voters, the polling district electoral register shall contain, in addition to their data, also a reference to the parliamentary single-member constituency of their address in Hungary.

(3) In a request for a mobile ballot box, the absentee voter shall specify the address within the territory of the settlement to which he requests the mobile ballot box to be taken.

**Section 248** Where, on the basis of a request to that effect submitted by the voter not later than on the ninth day before voting day, a voter is recorded in the central electoral register as national minority voter also for the election of the Members of the National Assembly, the poll card and the polling district electoral register shall contain a reference to the national minority the voter belongs to.

**Section 249** (1) Data relating to the belonging to a national minority of a voter shall be deleted from the polling district electoral register if, on the basis of a request by him to that effect received by 10.00 on the second day before voting day at the latest, the National Election Office deletes from the central electoral register the voter's belonging to a national minority, or the National Election Office modifies the voter's data in the central electoral register so that his registration as national minority voter does not apply to the electoral register for the election of the Members of the National Assembly.

(2) A request under paragraph (1) that has been submitted on the second day before voting day and received by 10.00 shall be assessed immediately, but within not more than one hour.

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

**Section 249/A** In a situation under section 257 (1b), the printed polling district electoral register and the printed list of voters who requested mobile ballot box shall specify that the voter is only allowed to vote on single-member constituency ballot paper.

### **111. Requesting absentee voting**

**Section 250** (1) A voter recorded in the polling district electoral register of his address may submit a request for absentee voting if, on voting day, he stays within the territory of a polling district within the territory of Hungary other than the polling district of his address in Hungary.

(2) Requests for absentee voting shall be submitted not later than on the ninth day before voting day.

(3) A request for absentee voting shall specify the settlement in which the voter wishes to vote.

(4) On the basis of the request, the National Election Office shall deregister the voter from the polling district electoral register of his address and, at the same time, enter the voter into the electoral register of the polling district designated under section 78 of the settlement specified under paragraph (3) or in the case of a settlement with a single polling district, in the electoral register of the polling district.

(5) A voter who requested absentee voting

a) may, within the time limit under paragraph (2), modify or

b) may, by 10.00 on the second day before voting day, withdraw

his request for absentee voting.

(6) If, within the time limit under paragraph (2),

a) a voter requests a mobile ballot box to an address that is not in the polling district in the electoral register of which he is recorded, or

b) a voter who requested absentee voting requests a mobile ballot box to an address that is not in the settlement in the electoral register of which he is recorded,

his request shall be considered also a request for absentee voting or a request to modify his request for absentee voting. In such a situation, the National Election Office shall decide on both the request for absentee voting and the request for mobile ballot box.

(7) In the absence of a statement providing otherwise, if a voter who submitted requests for both absentee voting and mobile ballot box withdraws his request for mobile ballot box, he shall be registered in the electoral register of the polling district at the location of absentee voting. In the absence of a statement providing otherwise, if a request for mobile ballot box under paragraph (6) is withdrawn, the voter shall be registered in the electoral register of the polling district of his address.

(8) In a joint proceeding, a request for absentee voting shall apply to all elections of the joint proceeding.

## **112. Electoral register for repeated voting**

**Section 251** If the election commission or the court orders a voting to be repeated in a polling district, voters who at the voting to be repeated were recorded in the foreign mission electoral register or the postal voter electoral register shall not be recorded in the polling district electoral register for the repeated voting.

## **113. Notifying candidates**

**Section 252** (1) Single-member constituency candidates shall be notified not later than on the thirty-seventh day before voting day.

(2) The parliamentary single-member constituency election commission shall register single-member constituency candidates.

(3) When nominating a joint candidate, it shall be specified in the notification, which nominating organisation the candidate belongs to in terms of budget support for political parties.

(4) The candidate of a nominating organisation shall also make a statement that he undertakes to return party subsidies within the meaning of section 1 of the Act on the transparency of campaign costs related to the election of the Members of the National Assembly in case such debts cannot be collected from the political party.

## **114. Notifying national lists**

**Section 253** (1) National lists shall be notified not later than on the thirty-sixth day before voting day.

(2) The National Election Commission shall register the national lists not later than on the second day after the day of notification.

(3) When drawing up a joint list, it shall be specified in the notification for each candidate, which nominating organisation that candidate belongs to in terms of budget support for political parties.

(4) The candidate included in a nominating organisation shall also make a statement that he undertakes to return party subsidies within the meaning of the Act on the transparency of campaign costs related to the election of the Members of the National Assembly in case such debts cannot be collected from the political party.

**Section 254** (1) For drawing up a party list, the number of the single-member constituency candidates of the nominating organisation that have been notified by the date of registration of the list shall be taken into account, with the exception of candidates whose registration was refused by the parliamentary single-member constituency election commission.

(2) The National Election Office shall deregister a party list from the register if the total number of the single-member constituency candidates of the nominating organisation who are registered with final and binding effect and not deregistered and of those who are notified but not yet assessed with final and binding effect does not reach the minimum number determined in the Act on the election of the Members of the National Assembly.

(3)

**Section 255** (1) The provisions of section 120 (1) to (2) and sections 121 to 127 shall apply to recommending a national minority list. National minority lists may be recommended by voters who are recorded in the central electoral register as national minority voters also for the election of the Members of the National Assembly.

(2) For establishing the number of voters recorded in the electoral register as voters of a particular national minority, the voters who on the fiftieth day before voting day are recorded in the central electoral register as national minority voters also for the election of the Members of the National Assembly shall be taken into account.

(3) The National Election Office shall transmit, free of charge, to the national self-government of the national minority registered with final and binding effect as a nominating organisation the name, address, age and sex of voters who are listed in the central electoral register as voters of the national minority also for the election of the Members of the National Assembly

a) at the time of handing over the recommendation sheet,

b) at the request of the nominating organisation on the thirty-eighth and thirteenth day before voting day, with the exception of data of voters who prohibited the release of their data under section 89 (1).

(4) Data provided pursuant to paragraph (3) a) shall only be used for gathering recommendations, while data provided pursuant to paragraph (3) b) shall only be used for direct political campaigning. The provisions of section 155 and section 218 (2) d) shall also apply to processing the data provided.

### **115. Content of the ballot paper**

**Section 256** (1) Separate ballot papers shall be used for single-member constituency and national party list voting and, for each national minority, for national minority list voting.

(2) Postal ballot papers shall include the circular text “*levélben szavazás szavazólapja*” (“ballot paper for postal voting”) written in the area for stamps.

(3) When drawing lots to determine the serial number of the lists, party lists and national minority lists shall be handled together. Party lists shall be listed on national party list ballot papers in the order determined this way by the drawing of lots, but on the ballot paper, party lists shall be numbered consecutively starting with one.

(4) Ballot papers for a national minority list drawn up by a national minority self-government shall contain also a reference to the national minority. The serial number of the list need not be indicated on a national minority list ballot paper.

(5) The text under points a) to f) and k) of Annex 6 and a reference to the national minority shall be indicated also in the language of the national minority on the ballot papers for a national minority list drawn up by a national minority self-government.

(6) At the request of the nominating organisation and of the candidate, the name and abbreviated name of the nominating organisation and the name of the candidate respectively shall be indicated also in the language of the national minority on the ballot papers for a national minority list drawn up by a national minority self-government.

### **116. Voting**

**Section 257** (1) On the basis of the polling district electoral register and the list of voters who requested mobile ballot box, the polling station commission shall hand over to voters a single-member constituency ballot paper and a party list ballot paper.

(1a) The polling station commission shall hand over to voters who are recorded in the electoral register as national minority voters also for the election of the Members of the National Assembly a single-member constituency ballot paper and the list ballot paper of his national minority.

(1b) The polling station commission shall hand over a single-member constituency ballot paper to a voter recorded in the polling district electoral register if he established an address in Hungary following the seventh day before election day, and

a) the National Election Office sent him a postal voting package pursuant to section 277 (1) or

b) he was recorded in the postal voter electoral register on any day between the fifteenth and seventh day before voting day and requested to receive the ballot paper in person.

(2) Absentee voters shall vote on the ballot paper of the parliamentary single-member constituency of their address and on the national list ballot paper. A reference to the parliamentary single-member constituency shall be indicated on the ballot paper envelopes. The voters shall place the ballot papers in the envelope and seal the envelope.

(2a) In a joint proceeding, absentee voters shall place the ballot paper of the parliamentary single-member constituency of their address, the national list ballot paper and the ballot paper of the election of the Members of the European Parliament conducted in the framework of the joint proceeding or the national referendum conducted in the framework of the joint proceeding in an envelope and seal the envelope. A reference to the parliamentary single-member constituency shall be indicated on the ballot paper envelopes.

(3) For absentee voters and voters with settlement-based domicile, the polling station commission of the designated polling district shall be competent to conduct voting by mobile ballot box in the entire settlement.

**Section 257/A** (1) Where the number of voters recorded in the electoral register in a polling district designated for absentee voting exceeds one thousand five hundred, the head of the local election office may decide, no later than on the fifth day before voting day, to divide the polling district electoral register into multiple parts, and

a) to conduct voting in a single polling station in a manner that the members of the polling station commission perform the procedural acts laid out in sections 176 to 179 at several separate locations within a single polling station,

b) to divide the designated polling district into polling sub-districts and to conduct voting in multiple separate polling stations within a single building.

(2) Where the number of voters recorded in the electoral register in a polling district designated for absentee voting exceeds two thousand, voting shall be conducted in accordance with paragraph (1) a) or b).

(3) The separate locations and the polling sub-districts shall be arranged so that the number of voters in the electoral register does not exceed eight hundred in any of the locations and polling sub-districts.

**Section 257/B** (1) Polling sub-commissions shall operate in polling sub-districts specified in section 257/A (1) b). The head of the local election office shall designate, from among the elected members of the polling station commissions, the three or, for sub-commissions under paragraph (3), the required number of elected members of polling sub-commissions. The chair of the polling station commission shall act as the chair of the polling sub-commission, while a member elected by the elected members of the other sub-commissions from among themselves shall act as its deputy chair.

(2) The provisions of section 112 (5), section 113 (3), Chapter X and section 189 shall apply to voting at a polling sub-district, with the proviso that the polling sub-commission shall exercise the powers of the polling station commission.

(3) The polling sub-commission the chair of which is the chair of the polling station commission shall authenticate mobile ballot boxes and carry out the tasks under section 184 and section 185 relating to voting by mobile ballot box.

(4) The other tasks falling within the powers of the polling station commission shall be carried out by a polling station commission composed of the members of the polling sub-commissions.

### **117. Vote counting**

**Section 258** (1) When the votes cast by mail by voters with no address in Hungary are counted, only the representatives of the National Election Commission, National Election Office and media content providers, observers under section 245 (2) and international observers may be present.

(2) In the application of the rules on vote counting and on drawing up the minutes, single-member constituency elections and national list elections shall be handled separately.

### **118. The foreign mission electoral register**

**Section 259** (1) Requests for registration in the foreign mission electoral register may be submitted by voters recorded in the polling district electoral register who stay abroad on voting day.

(2) Requests for registration in the foreign mission electoral register shall arrive not later than on the ninth day before voting day.

(3) The request shall specify the foreign mission in which the requesting person wishes to exercise his right to vote.

**Section 260** (1) On the basis of the request, the National Election Office shall register the voter in the foreign mission electoral register without delay and, at the same time, indicate in the polling district electoral register that the voter is recorded in the foreign mission electoral register.

(2) The foreign mission electoral register shall contain the data set out in Annex 7.

**Section 261** (1) Voters recorded in the foreign mission electoral register may modify the data set out in section 259 (3) not later than on the ninth day before the voting day in Hungary.

(2) Voters recorded in the foreign mission electoral register may request to be deregistered from the foreign mission electoral register not later than on the fourth day before the voting day in Hungary.

**Section 262** (1) Persons who are deregistered from the polling district electoral register shall also be deregistered from the foreign mission electoral register.

(2) Changes to an address that occur after the seventh day before voting day need not be recorded in the foreign mission electoral register.

**Section 263** The National Election Office shall transfer to foreign missions the data in the foreign mission electoral register in a manner that only the foreign mission election office can access that data. The foreign mission election office shall print and authenticate the foreign mission electoral register.

## **Section 264**

### **119. The postal voter electoral register**

## **Section 265**

**Section 266** The National Election Office shall register in the postal voter electoral register voters with no address in Hungary who are recorded in the central electoral register on the basis of a request submitted not later than on the twenty-fifth day before voting day. The National Election Office shall indicate in the central electoral register that the voter is recorded in the postal voter electoral register.

**Section 267** The following shall be deregistered from the postal voter electoral register:

a) voters who established an address in Hungary not later than on the seventh day before election day,

b) voters with no address in Hungary who are deregistered from the central electoral register.

**Section 267/A** The National Election Office shall, by the sixteenth day before voting day, make available to the competent election office the part of postal voter electoral register that contains those voters who requested the receipt in person of the postal voting package.

**Section 268** (1) A voter recorded in the postal voter electoral register may request, in person, information at the foreign mission about data recorded under point c) cd) to cf) of Annex 8.

(2)

### **120. Voting at a foreign mission**

**Section 269** (1) Voting at foreign missions shall be possible if the host state does not object to it.

(2) Votes may be cast at foreign missions on the voting day in Hungary between 6.00 and 19.00 local time. At foreign missions where the time difference is -1 or -2 hours compared to Central European Time, votes may be cast between 6.00 local time and 19.00 CET. At foreign missions established on the American continent, votes may be cast on the day before the voting day in Hungary between 6.00 and 19.00 local time.



(3) With the exception of vote counting, the foreign mission election office shall carry out the tasks set out for the polling station commission. The head of the foreign mission election office shall decide any disputed matters arising during the voting.

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

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

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

(7) The foreign mission election office shall place a control sheet in the ballot box containing the time and date of the placement of the control sheet and the signatures of the members of the foreign mission election office present and of the voter voting first.

**Section 270** The foreign mission election office shall verify the identity of the citizen wishing to vote on the basis of a verification card suitable for verifying identity, and check whether the citizen is recorded in the foreign mission electoral register. Anyone who cannot verify his identity as set forth above or who is not recorded in the foreign mission electoral register shall be refused.

**Section 271** (1) Voters voting at a foreign mission shall vote on the ballot paper of the parliamentary single-member constituency of their address and on the national list ballot paper. A reference to the parliamentary single-member constituency shall be indicated on the ballot paper envelopes.

(2) The voters shall place the ballot papers in the envelope and seal the envelope.

**Section 272** (1) If no voter votes at a foreign mission by an hour before the voting is closed, also a member of the foreign mission election office may be the voter voting first.

(2) The voting shall be closed before the time set out under section 269 (2) for closing it if all voters recorded in the foreign mission electoral register have cast their votes.

**Section 273** After voting is closed, the foreign mission election office shall place the minutes on the conclusion of voting in the ballot box without opening it and seal the ballot box in a manner that no ballot paper can be put in or removed from it.

## **121. Postal voting package**

**Section 274** Voters recorded in the postal voter electoral register shall vote by mail.

**Section 275** (1) The postal voting package shall contain the following:

- a) postal ballot paper,
- b) voter identification statement form (hereinafter “identification statement”),
- c) envelope for postal ballot paper (hereinafter “inner envelope”),
- d) prepaid envelope for posting (hereinafter “outer envelope”),
- e) information on how to vote.

(1a) In the case of a joint proceeding, the postal voting package shall contain, beyond the elements under paragraph (1), also the ballot papers for the other elections conducted in the framework of the joint proceeding.

(2) The direction on the outer envelope of the postal voting package shall include the address of the National Election Office.

(3) The size and layout of the postal ballot paper may be different from that of the ballot paper used in polling stations. Postal ballot papers shall be valid without a stamp.

**Section 276** If the voter has an address in Hungary, he shall vote on the ballot paper of the parliamentary single-member constituency of his address and on the national list ballot paper.

## **122. Delivery of postal voting packages**

**Section 277** (1) The National Election Office shall send by mail the postal voting packages to voters recorded in the postal voter electoral register, other than those who requested to receive the postal voting package in person, after the postal ballot paper is prepared without delay. If for the receipt of the ballot paper a voter provided an address that is in a country that prohibits dual nationality, the National Election Office shall deliver the postal voting package with assistance from the foreign mission.

(2) A voter with no address in Hungary who, pursuant to section 92 (3) b), requested, by the twenty-fifth day before voting day, to receive the postal voting package in person may receive the postal voting package at the time determined by the president of the National Election Office from the fifteenth day before voting day, or during the period of voting on voting day, at the election office

- a) of the settlement of the seat of the parliamentary single-member constituency,
- b) of another settlement designated by the Minister in a decree, or
- c) of a foreign mission specified by the Minister in a decree

in accordance with his choice.

(3) The president of the National Election Office shall provide for the receipt of the postal voting package in person under paragraph (2) so as to ensure that such a receipt is possible at least between 9.00 and 16.00 on working days from the fifteenth day before voting day. The president of the National Election Office may move the beginning or the end of the period between 9.00 and 16.00 to an earlier or later time, respectively, and he may extend the possibility of receipt in person to Saturdays not qualifying as working days as well as to Sundays and also public holidays.

(4) Any voter who does not receive by the seventh day before voting day the postal voting package sent in accordance with paragraph (1) may request in person a replacement of the postal voting package at any foreign mission or parliamentary single-member constituency election office. Before handing over the postal voting package, the election office shall check whether the voter is recorded in the postal voter electoral register and whether he requested the postal voting package to be delivered by post.

### 123. Postal voting

**Section 278** (1) After filling in the ballot paper received as part of the postal voting package, the voter shall place the filled in ballot paper in the inner envelope, and seal the inner envelope.

(2) The identification statement shall be completed with the following data of the voter:

a) name,

b) place of birth,

c) personal identifier or the number of his official identity verification card, or, in the absence thereof, the number of his naturalisation certificate.

d) date of birth where the identification statement does not contain the personal identifier.

(3) The voter shall sign the identification statement in his own hand.

(4) The voter shall seal the sealed inner envelope and the filled in identification statement in

a) the outer envelope, or

b) in any other envelope (points a) and b) hereinafter jointly “return envelope”).

(5) Voters may vote by way of postal voting at foreign missions designated in accordance with section 277 (2) c). During voting, the foreign mission election office operating at the foreign mission shall provide for the conditions ensuring the secrecy of voting, in particular by applying accordingly section 173 (3), section 178 (2), section 180, section 181 (1) and section 269 (5), with the proviso that the polling station commission shall be construed to mean foreign mission election office.

## 124. Returning postal voting documents to the election office

**Section 279** (1) A voter with no address in Hungary recorded in the postal voter electoral register may return the return envelope containing his vote under section 278 (4) a) in any of the following ways:

- a) by mail to the National Election Office so that it is received by 19.00 on voting day,
- b) within fifteen days before the voting day in Hungary, in the period set by the president of the National Election Office for receipt in person of postal voting packages or during the period of voting at the foreign mission
- ba) in person or by way of delivery by another person without authorisation, or
- bb) by way of a postal service provider, placed in an outer envelope addressed to the foreign mission

to any foreign mission election office, or

c) during the period for voting in Hungary in person or by way of delivery by another person without authorisation to any parliamentary single-member constituency election office.

(2) A voter with no address in Hungary recorded in the postal voter electoral register may return the return envelope containing his vote under section 278 (4) b) in person or by way of delivery by another person without authorisation

a) within fifteen days before the voting day in Hungary, in the period set by the president of the National Election Office for receipt in person of postal voting packages or during the period of voting at the foreign mission to any foreign mission election office, or

b) during the period for voting in Hungary to any parliamentary single-member constituency election office.

**Section 280** (1) Return envelopes containing a vote under section 278 (4) a) may be mailed without having to pay the postage.

(2) The postal service provider shall be required to deliver, by 24.00 on the day before voting day, to the election office return envelopes under section 278 (4) a) that it collected or received in Hungary not later than on the third day before voting day.

**Section 281** (1) The foreign mission election office at a foreign mission and the parliamentary single-member constituency election office in the settlement of the seat of a parliamentary single-member constituency shall ensure that return envelopes containing a vote can be handed over.

(2) Return envelopes may be dropped in the ballot box under the permanent supervision of the office. Ballot boxes shall be kept at a safe place at the foreign mission. Return envelopes may be returned to a foreign mission also by mail.

(3) In settlements that are the seat of a parliamentary single-member constituency, observers delegated by nominating organisations drawing up a national list may be present at the supervision of the ballot box. Section 5 shall apply to observers.

## **125. Forwarding the votes**

**Section 282** (1) The polling station commission shall not open envelopes of votes cast by absentee voters, but transport them to the local election office sealed in a separate transportation envelope. The number of envelopes contained in the transportation envelope shall be indicated on the transportation envelope.

(2) The local election office shall hand over to the parliamentary single-member constituency election office the transportation envelope on the day following voting day.

**Section 283** (1) The parliamentary single-member constituency election office shall seal return envelopes containing votes cast at it by mail pursuant to section 279 (1) c) in a transportation envelope.

(2) On the day after voting day, the parliamentary single-member constituency election office shall transport to the National Election Office the transportation envelopes referred to in paragraph (1) and the transportation envelopes received from local election offices.

**Section 284** By 24.00 on the fourth day after the voting day in Hungary, the foreign mission election office shall transport to the National Election Office the sealed ballot boxes containing the votes cast at the foreign mission and the return envelopes returned to the foreign mission. Votes arriving later shall be ignored.

**Section 285** (1) The National Election Office shall open the ballot boxes containing the votes cast at foreign missions after the arrival of all ballot boxes, but not later than on the fifth day after the voting day in Hungary.

(2) If a ballot box arrives to the National Election Office after the expiry of the time limit, or if it is not sealed in accordance with section 273 at arrival, or if the control sheet cannot be found in the ballot box, the votes in it shall not be taken into account when establishing the result. The National Election Commission shall decide whether the ballot box is sealed in accordance with section 273.

**Section 286** Unsealed envelopes and envelopes containing no reference to the single-member constituency found in ballot boxes received from foreign missions or among the votes of absentee voters shall be considered votes not cast and shall be packed separately.

**Section 287** (1) The National Election Office shall sort by parliamentary single-member constituency the sealed envelopes found in ballot boxes received from foreign missions and the sealed envelopes containing the votes of absentee voters, and place them in sealed packages on which the number of envelopes in the package concerned shall be indicated. The National Election Office shall record the number of envelopes in a package in separate minutes, a copy of which shall be placed in the package, and the package shall be sealed. The president of the National Election Office shall authenticate the package by signing and stamping it.

(2) The National Election Office shall hand over the package to the head of the parliamentary single-member constituency election office or a member delegated by him.

## **126. Checking postal voting documents**

**Section 288** (1) The National Election Office shall check voting documents containing the votes of voters with no address in Hungary.

(2) The National Election Office shall start checking the voting documents not sooner than on the sixth day before voting day.

(3) Members of election commissions, observers under section 245 (2) and (3) and international observers may monitor the entire voting document checking process. Employees of media service providers may be present during voting document checking if the conditions guaranteeing the protection of personal data are ensured.

**Section 289** (1) The election office shall examine voting documents that arrive within the time limit.

(2) When examining voting documents, the election office shall check received voting documents without opening the inner envelope containing the ballot paper. The election office shall check the content of the identification statement on the basis of the postal voter electoral register. If necessary, the National Election Office shall check the content of the identification statement by way of direct access to the relevant register according to the official identity verification card or the naturalisation certificate register, or by requesting the assistance of the organ competent in citizenship matters or in the register of personal data and address of citizens.

(3) A voting document shall be invalid if

- a) the return envelope is not sealed,
- b) the identification statement or the inner envelope is missing from the return envelope,
- c) there is more than one inner envelope for the same election in the return envelope,
- d) the inner envelope is not sealed,
- e) the data of the voter included in the statement are incomplete or the signature of the voter is missing from the statement,
- f) the citizen is not recorded in the postal voter electoral register,
- g) the voter already submitted a voting document,
- h) the data of the voter indicated in the identification statement are different from the data recorded in the electoral register or register under paragraph (2), with the exception of a difference referred to in paragraph (4),

i) the voting document is late.

(4) The following shall not render the voting document invalid:

a) the voting document is in an outer envelope other than that sent by the National Election Office,

b) the return envelope is damaged to a lesser extent, but documents cannot be put in and removed from it and the data content filled in the identification statement or the ballot paper cannot be accessed without opening the return envelope.

(5) Where the identity of the voter can be established beyond reasonable doubt, the return envelope shall not be considered invalid if the reason for the difference in data under paragraph (3) h) is caused by any of the following:

a) change of name that happened in the meantime,

b) accent error,

c) spelling difference,

d) specification of a geographic name in a foreign language,

e) in data provided under section 278 (2) a), the omission of one of multiple given names, the omission or inclusion of the “dr.” title, the inclusion of a junior, senior, widowed or other prefix or an abbreviation thereof; or the provision of data in another language.

(6) If the voter indicates on the identification statement the number of his official identity verification card, for the purposes of the check, the verification card shall be considered valid if it was valid on any of the days between the first day of the sending of postal voting packages and the day on which the identification statement is checked.

(7) For the purposes of paragraph (3) g), a voting document can be considered a voting document already submitted by the voter only if it is valid or if invalid, then for a reason other than those referred to in paragraph (3) e), f) and h).

(8) If a voting document is valid or if it is invalid for a reason other than those referred to in paragraph (3) e), f) and h), the election office shall indicate in the central electoral register that the voter has submitted a voting document.

**Section 290** (1) If a voting document is invalid pursuant to section 289 (3), the reason for this invalidity shall be indicated on the return envelope.

(2) Return envelopes containing invalid voting documents shall be packed separately.

**Section 291** (1) If a voting document is not invalid pursuant to section 289, the election office shall indicate in the postal voter electoral register that the voter submitted a valid voting document.

(2) The election office shall store separately inner envelopes found in valid voting documents without opening them until they are counted.

(3) Identification statements found in valid voting documents shall be packed separately.

### **127. Counting of votes**

**Section 292** (1) For counting the votes cast at foreign missions and the votes cast by absentee voters, the parliamentary single-member constituency election commission shall, by the 8th day before voting day, designate the responsible polling station commission from among those operating in the settlement of the seat of the parliamentary single member constituency, other than the polling station commission of the polling district designated under section 78.

(2) When the voting is closed, the polling station commission referred to in paragraph (1) shall seal the ballot box in a manner that no ballot paper can be put in or removed from it. The polling station commission shall hand over the ballot box to the head of the parliamentary single-member constituency election commission, who shall arrange for its safe storage.

(3) The head of the parliamentary single-member constituency election office shall, not later than on the sixth day after the voting day in Hungary, hand over to the chair of the polling station commission referred to in paragraph (1) the ballot box and the package referred to in section 287 (1).

(4) The polling station commission referred to in paragraph (1) shall mix the envelopes in a package under section 287 (1), without opening them, with the envelopes containing the votes cast in the polling district, and shall perform, without delay, the tasks set for the polling station commission in Chapter XI.

**Section 293** (1) The votes cast by mail by voters with no address in Hungary shall be counted by the National Election Office under the supervision of the National Election Commission. The counting shall not start before 19.00 on voting day.

(2) Observers under section 245 (2), international observers and the press may monitor the entire vote counting process.

### **128. Establishing the election result**

**Section 294** (1) The local election office shall forward a copy of the polling district minutes on the result of the single-member constituency voting to the parliamentary single-member constituency election office and a copy of the polling district minutes on the result of the national list voting to the regional election office.

(2) Not later than on the sixth day after voting day, the parliamentary single-member constituency election commission shall, on the basis of the polling district minutes on the result of the single-member constituency voting, establish the result of the single-member constituency election. The parliamentary single-member constituency election office shall transmit a copy of the minutes on the result of the single-member constituency election to the National Election Office immediately after the conclusive decision establishing the result of the single-member constituency election becomes final and binding.



(3) Not later than on the sixth day after voting day, the regional election commission shall, on the basis of the polling district minutes on the result of the national list voting, establish the partial regional result of the national list election. The regional election office shall transmit a copy of the minutes on the partial regional result of the national list election to the National Election Office immediately after the conclusive decision establishing the partial regional result of the national list election becomes final and binding.

**Section 295** The National Election Office shall record the result of postal voting by voters with no address in Hungary in minutes.

**Section 296 (1)**

(2) Not later than on the nineteenth day after voting day, the National Election Commission shall, on the basis of

a) the minutes on the partial regional result of the national list election referred to in section 294 (3),

b) the minutes establishing the result of postal voting, and

c) the minutes on the result of the single-member constituency election referred to in section 294 (2)

establish the national list result of the election.

**129. Legal remedy**

**Section 297 (1)** The parliamentary single-member constituency election commission shall decide on

a) objections against the activities and decisions of the polling station commission, and objections regarding other acts committed at polling stations,

b) all objections that are specifically related to the single-member constituency election,

c) appeals challenging a decision on an objection against a conclusive decision of the local election commission adopted in accordance with section 32 (2) or of the head of the local election office adopted in accordance with section 32 (3).

(2) The regional election commission shall decide on appeals challenging a decision of the parliamentary single-member constituency election commission adopted in accordance with section 32 (2), section 124 (2) to (3) or section 252 (2).

(3) The National Election Commission shall decide on

a) all objections not falling under paragraph (1) b),

b) appeals challenging a decision of the parliamentary single-member constituency election commission other than those referred to in paragraph (2),

c) appeals challenging a decision of the regional election commission adopted in accordance with section 32 (2).

(4) A judicial review application against a decision of the National Election Commission establishing the national list result of the election shall be submitted so that it is received by the National Election Commission not later than on the day after the adoption of the conclusive decision by the election commission. The Curia shall decide on the judicial review application not later than on the day following referral.

(5) A judicial review application against a decision by the National Election Commission establishing the national list result of the election may be submitted with reference to the unlawfulness of the aggregation of

a) the wasted votes generated in an election under section 294 (2),

b) the partial results under section 294 (3), or

c) the result of the voting under section 295 with the partial results generated taking account of points a) and b),

or to a violation of the rules on establishing election result.

### **129/A Resignation of a representative-elect**

**Section 297/A** After voting day until the confirmation of the validity of the mandate by the National Assembly, a representative-elect may resign by tendering his resignation in writing to the National Election Commission.

### **130. Publication of election result**

**Section 298** After the election result becomes final and binding, the National Election Commission shall publish a notice on the election result in the official gazette *Magyar Közlöny*.

### **131. Credentials**

**Section 299** The National Election Commission shall issue credentials to also the national minority advocates.

### **132. By-election**

**Section 300** (1) In a by-election, a nominating organisation shall be notified to the election commission competent to register the candidate concerned, which shall decide on the registration of the nominating organisation.

(2) In a by-election, absentee voting may be requested only regarding polling districts within the parliamentary single-member constituency concerned.

(3) The provisions concerning absentee voting of section 286, section 287 and section 292 (1) and the provisions of section 247 (2), section 257 (1a) to (2), section 282 and section 283 shall not apply to by-elections.

(4) The votes of absentee voters shall be counted by the polling station commission of the polling district in which they cast votes.

### **132/A. Filling a single-member constituency vacancy**

**Section 300/A** If the mandate of a representative elected in a single-member constituency terminates and the mandate is allocated to a candidate named by a nominating organisation, the candidate to whom the mandate is allocated shall be notified to the National Election Commission by the nominating organisation no later than on the thirtieth day from the seat becoming vacant.

## *Chapter XIV*

### *ELECTION OF LOCAL GOVERNMENT REPRESENTATIVES AND MAYORS*

**Section 301** Chapters I to XII and section 250 (6) and (7) shall apply to the elections of local government representatives and mayors with the derogations specified in this Chapter.

### **133. Setting the election date**

**Section 302** The local election commission shall set the date for the by-election of local government representatives and mayors, and the regional election commission shall set the date for the by-election to a county general assembly or the Budapest-Capital General Assembly and of the Capital Mayor.

### **134. Costs of the election process**

**Section 303** The costs of the preparation and conduct of a by-election shall be paid from the local government budget if it is held because the representative body or the general assembly declared its dissolution or was dissolved.

### **135. Election bodies**

**Section 304** The following election commissions shall operate in the election of local government representatives and mayors:

- a) the National Election Commission,
- b) regional election commissions,
- c) local election commissions,
- d) polling station commissions.

## **136. Notifying a Union citizen as a candidate**

### **Section 305**

## **137. Determining the number of mandates**

**Section 306** (1) By 15 October in the year preceding a general election, the central organ managing the register of the personal data and address of citizens shall transmit to the National Election Office the data on the number of inhabitants of settlements, counties and the capital as of 1 September. The National Election Office shall inform, within three days, the heads of local and regional election offices of the number of inhabitants.

(2) The heads of the local election offices and regional election offices, except the capital election office, shall by 31 October in the year preceding the general election determine in a conclusive decision the number of members to be elected to the representative body and the general assembly, respectively.

### **137/A. Arrangement of single-member constituencies**

**Section 306/A** (1) In settlements with more than ten thousand inhabitants, the head of the local election office shall be responsible for the arrangement of single-member constituencies. The head of the local election office shall in advance seek the opinion of the local election commission as regards the arrangement of constituencies; however, this opinion shall not be binding to the head of the local election office.

(2) Single-member constituencies shall be arranged in a manner to ensure that

a) they form contiguous areas;

b) the number of voters who are eligible according to the central electoral register be approximately the same in each of them.

(3) When arranging single-member constituencies, the number of eligible voters in a single-member constituency may not deviate from the arithmetic mean of eligible voters in each single-member constituency at the settlement by a rate exceeding fifteen per cent taking into account the settlement structure related, geographical and other local characteristics.

**Section 306/B** The head of the local election office shall publish, for fifteen days and in accordance with established local practice, the conclusive decision on the arrangement of constituencies that contains the boundaries of single-member constituencies, the number of voters in the single-member constituency who are eligible according to the central electoral register, the rate of deviation of the number of eligible voters in the single-member constituency from the mean of eligible voters in each single-member constituency at the settlement, the reason for a deviation exceeding five per cent, and the opinion of the local election commission.

**Section 306/C** The head of the local election office shall modify the division of constituencies by 30 November in the year preceding the general election if:

- a) the number of inhabitants of the settlement increases to over ten thousand or the number of single-member constituency changes,
- b) the number of eligible voters in a single-member constituency deviates from the mean of eligible voters in each single-member constituency at the settlement by a rate exceeding twenty per cent.

**Section 306/D** (1) The rate of deviation referred to in section 306/A (3) and section 306/C b) shall be determined on the basis of data in the central electoral register as of 1 September in the year preceding the general election.

(2) The provisions of section 306/A and section 306/B shall apply to the modification of the division of constituencies.

### **138. Arrangement of polling districts**

**Section 307** In settlements with more than ten thousand inhabitants, the polling district under section 78 shall be designated in the single-member constituency in which the seat of the mayor's office or joint local government office is located.

#### **138/A. Requesting absentee voting**

**Section 307/A** (1) A voter may submit a request for absentee voting if he had a place of residence in the constituency concerned both on the thirtieth day before the election date was set and at the time of the assessment of his request for absentee voting, and his place of residence remains valid at least until voting day.

(2) Requests for absentee voting shall be submitted not later than on the fourth day before voting day.

(3) A voter who requested absentee voting may withdraw his request for absentee voting by 10.00 on the second day before voting day at the latest.

**Section 307/B** (1) On the basis of the request, the National Election Office shall deregister the voter from the polling district electoral register of his domicile and, at the same time, enter the voter into the electoral register of the polling district of his place of residence.

(2) Voters whose place of residence ceased shall be re-registered in the polling district electoral register of their domicile.

#### **138/B. Polling district electoral register for by-election**

**Section 307/C** (1) With the exception specified in paragraph (3), requesting absentee voting shall not be permitted in by-elections.

(2) In a by-election, voters who have a domicile or a place of residence in the constituency where they were last recorded on the day of the general or by-election of local government representatives and mayors may be registered in the polling district electoral register only in the constituency concerned.

(3) In a by-election, requesting absentee voting shall be permitted only if the domicile and place of residence of the voter is in the same constituency.

### **138/C. Notifying nominating organisations**

**Section 307/D** (1) The nominating organisation shall be registered by the regional election commission or the National Election Commission, depending on to which it was notified.

(2) In a by-election, the election commission competent to register the candidate or the list shall register the nominating organisation.

(3) Upon the notification of an association, the association shall make a statement that it complies with the requirements for associations set out in paragraph (4) and that it does not use, regarding the election concerned, foreign support and support from any Hungarian legal person or organisation without legal personality, anonymous donation or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. The election commission shall register an association as nominating organisation if it has made such a statement.

(4) An association that requests its registration as nominating organisation and a registered association shall not use, regarding the election concerned, foreign support and support from any Hungarian legal person or organisation without legal personality, anonymous donation or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. If a violation is suspected, the State Audit Office shall check compliance with the provisions of this paragraph.

(5) Where, following the registration as nominating organisation of an association, the State Audit Office establishes that the association violated the provisions of paragraph (4), the association shall pay twice the amount of support to the central budget within fifteen days after being called upon to do so by the State Audit Office.

(6) If an association violates the provisions of paragraph (4), the State Audit Office shall inform thereof the tax authority and, for a public-benefit-status association, the court that registered the association.

(7) If an association fails to comply with the obligation under paragraph (5) within the time limit, the state tax authority shall collect the debt as taxes at a request by the State Audit Office.

(8) Upon the notification of a national minority organisation, the organisation shall make a statement that the organisation complies with the requirements for national minority organisations set out in the Act on the rights of national minorities.

### **138/D. Determining the number of recommendations required for nominating a candidate and for drawing up a list**

**Section 307/E** (1) On the sixty-sixth day before voting day, the head of the local election office shall determine the number of recommendations required for nominating a multi-member list candidate, a single-member constituency candidate and in a settlement with no more than ten thousand inhabitants a mayor candidate, and the head of the regional election office shall determine the number of recommendations required for drawing up a county list.

(2) When determining the number of required recommendations, the number of voters shall be established on the basis of the data in the central electoral register as of the sixty-seventh day before voting day.

(3) For determining the number of required recommendations, the number shall be rounded up to the nearest whole number.

### **138/E. Recommending candidates and lists**

**Section 307/F** (1) When requesting recommendation sheets, a voter who wishes to stand for election as a national minority candidate shall make a statement that

- a) he is willing to undertake to represent the national minority,
- b) he speaks the language of the national minority community and is familiar with its culture and traditions.

(2) The election office shall verify in the register of candidates that the voter who requested the recommendation sheets and wishes to stand for election as a national minority candidate did not stand for election as a national minority candidate for another national minority in the last two general elections of local government representatives and mayors, and of national minority self-government representatives and in the subsequent by-elections.

(3) On the recommendation sheets of a voter who wishes to stand for election as a national minority candidate, a reference to the national minority he wishes to represent shall be indicated.

(4) The provisions of section 120 (1) and (2) and sections 121 to 127 shall also apply to recommending a county list and capital list.

### **138/F. Notifying candidates**

**Section 307/G** (1) Multi-member list candidates, single-member constituency candidates, mayor candidates and Capital Mayor candidates shall be notified not later than on the thirty-fourth day before voting day.

(2) The local election commission shall register multi-member list candidates, single-member constituency candidates and mayor candidates, and the regional election commission shall register Capital Mayor candidates.

(3)

**Section 307/H** When notifying a national of another Member State of the European Union as a candidate, a statement by the candidate shall also be attached that he is not subject in his state of nationality to any legislative, judicial or other administrative provision prohibiting him from standing for election.

### **138/G. Notifying lists**

**Section 307/I** (1) Each compensatory list, capital list and county list shall be notified not later than on the thirty-third day before voting day.

(2) The local election commission shall register the compensatory lists, and the regional election commission shall register the county lists and the capital lists.

(3) The provisions of section 307/F (1) and (2) and section 307/H shall apply also to candidates included in a list.

(4) The provisions of section 129 (4) shall not apply to compensatory lists and national minority compensatory lists.

**Section 307/J** (1) For drawing up a compensatory list, the number of the single-member constituency candidates of the nominating organisation that have been notified by the date of registration of the list shall be taken into account, with the exception of candidates whose registration was refused by the local election commission.

(2) The local election office shall deregister a compensatory list if the total number of the single-member constituency candidates of the nominating organisation who are registered with final and binding effect and not deregistered and of those who are notified but not yet assessed with final and binding effect does not reach the minimum number determined in an Act.

(3)

**Section 307/K** (1) For drawing up a capital list, the number of the mayor candidates or the Capital Mayor candidate of the nominating organisation that have been notified by the date of registration of the list shall be taken into account, with the exception of a mayor candidate or Capital Mayor candidate whose registration was refused by the election commission.

(2) The regional election office shall deregister a capital list if

a) the total number of the mayor candidates of the nominating organisation who are registered with final and binding effect and not deregistered and of those who are notified but not yet assessed with final and binding effect does not reach the minimum number determined in an Act, and

b) the nominating organisation does not have a Capital Mayor candidate who is registered with final and binding effect and not deregistered or who is notified but not yet assessed with final and binding effect.



### **138/H. Content of the ballot paper**

**Section 307/L** (1) Separate ballot papers shall be used for multi-member list, single-member constituency, mayoral, county list and capital list elections as well as the election of the Capital Mayor.

(2) For national minority candidates, the ballot papers used in multi-member list, single-member constituency and mayoral elections shall contain also a reference to the national minority.

(3) At the request of the national minority nominating organisation and of the national minority candidate, the name and abbreviated name of the national minority nominating organisation and the name of the candidate respectively shall be indicated also in the language of the national minority on the ballot papers.

### **138/I. Vote counting**

**Section 307/M** In the application of the rules on vote counting and on drawing up the minutes, multi-member list, single-member constituency, mayoral, county general assembly and the Budapest-Capital General Assembly elections as well as the election of the Capital Mayor shall be handled separately.

### **138/J. Establishing the election result**

**Section 307/N** (1) On the basis of the polling district minutes, the local election commission shall aggregate the polling district results of the mayoral election and the multi-member list election or single-member constituency elections, and shall establish the election result.

(2) Within three days following the conclusive decision establishing the result of a single-member constituency election becoming final and binding, the local election commission shall establish, on the basis of the minutes annexed to the conclusive decision concerned, the compensatory list election result

(3) Within three days following the compensatory list election result becoming final and binding, the local election commission shall issue credentials to the representatives who won a mandate in a single-member constituency or from a compensatory list.

**Section 307/O** (1) The local election office shall transfer to the regional election office a copy of the polling district minutes on the result of the county general assembly and the Budapest-Capital General Assembly election and the election of the Capital Mayor no later than by 10.00 on the day following voting day.

(2) On the basis of the polling district minutes, the regional election commission shall establish the result of the county general assembly and the Budapest-Capital General Assembly election and the election of the Capital Mayor.

(3)

### **138/K. Legal remedy**

**Section 307/P** (1) The local election commission shall decide on

- a) objections against the activities and decisions of the polling station commission, and objections regarding other acts committed at polling stations;
- b) all objections that are specifically related to the multi-member list, single-member constituency, compensatory list or mayoral election.

(2) The regional election commission shall decide on

- a) all objections that are specifically related to the county or capital local government election or the election of the Capital Mayor,
- b) all objections not falling under paragraph (1) where the act is committed within the territory of competence of the regional election commission,
- c) appeals challenging a decision of the local election commission.

(3) The National Election Commission shall decide on

- a) all objections not falling under paragraphs (1) and (2) if the place where the act is committed cannot be ascertained,
- b) appeals challenging a decision of the regional election commission.

**Section 307/Q** A judicial review application against a resolution of the head of a local election office on the arrangement and review of single-member constituencies shall be submitted within the period for which the resolution is published. The application shall be adjudicated by the regional court.

**Section 307/R** Appeals challenging the establishment of the compensatory list result may be submitted only with reference to a violation of the rules on aggregating single-member constituency results and establishing the election result.

### **138/L. Resignation of a representative-elect**

**Section 307/S** After voting day until the representative body is constituted, a representative-elect may resign by tendering his resignation in writing to the competent election commission.

### **138/M. Filling a single-member constituency vacancy**

**Section 307/T** If the mandate of a representative elected in a single-member constituency terminates and the mandate is allocated to a candidate named by a nominating organisation, the candidate to whom the mandate is allocated shall be notified to the election commission by the nominating organisation no later than on the thirtieth day from the seat becoming vacant.

## *Chapter XV*

### *ELECTION OF THE NATIONAL MINORITY SELF-GOVERNMENT REPRESENTATIVES*

**Section 308** Chapters I to XII of this Act and the provisions of section 307/D, section 307/E, section 307/F (3) and (4) and section 307/L (2) and (3) shall apply to the elections of the national minority self-government representatives with the derogations specified in this Chapter.

#### **139. Setting the election date**

**Section 309** (1) The National Election Commission shall set the date for the general election of national minority self-government representatives not later than on the sixty-ninth day before voting day for the same day as the date set for the general election of local government representatives and mayors.

(2) The local election commission shall set the date for the by-election of settlement national minority self-government representatives, the regional election commission shall set the date for the by-election of regional national minority self-government representatives, and the National Election Commission shall set the date for the by-election of the national self-government representatives of national minorities.

#### **140. Costs of the election process**

**Section 310** (1) The costs of the preparation and conduct of a by-election shall be paid from the budget of the national minority self-government if it is held because

- a) the representative body or the general assembly was dissolved,
- b) the representative body or the general assembly declared its dissolution.

(2) The national minority self-government shall pay the costs of the by-election referred to in paragraph (1) to the election office at the election commission competent to set a date for this by-election in advance, before a date for the election is set.

#### **141. Election bodies**

**Section 311** (1) The following election commissions shall operate in the election of national minority self-government representatives:

- a) the National Election Commission,
- b) regional election commissions,
- c) local election commissions,
- d) polling station commissions.

(2) Nominating organisations may not delegate members to election commissions.

(2a) Each nominating organisation associated with a national minority as regards which a settlement national minority self-government election is held in the settlement may delegate one observer to the polling station. Observers shall only be voters recorded in the central electoral register as voters of the national minority concerned. Persons under section 18 (1) a) to e), g) and h) and members of an election commission or an election office shall not be observers. The provisions of section 5 (4) and (5), sections 29 to 31 and section 32 (3) shall, in other respects, apply to observers.

(3)

## 142.

### Section 312

#### 143. Electoral register

**Section 313** A voter may be recorded as national minority voter in the polling district electoral register in a settlement where he is recorded or, in the case of a by-election, can be recorded in the polling district electoral register for the election of local government representatives and mayors.

**Section 314** (1) If a voter is recorded as national minority voter in the central electoral register on the basis of a request to that effect submitted by the voter not later than on the ninth day before voting day, the poll card and the polling district electoral register shall contain a reference to the national minority the voter belongs to.

(2) If, at the request of the voter concerned, the National Election Office deregister from the central electoral register the reference to the voter's belonging to a national minority not later than on the ninth day before voting day, then the data relating to the belonging to a national minority of the voter shall be deleted from the polling district electoral register.

**Section 315** A voter shall be entered into the polling district electoral register as national minority voter if he is recorded in the central electoral register as national minority voter on the basis of a request submitted by the voter not later than on the ninth day before voting day.

#### 144. Determining the number of recommendations required for nominating a candidate and for drawing up a list

**Section 316** The number of recommendations required for nominating a candidate and for drawing up a list shall be determined, rounded up to the nearest whole number, in the resolution setting the election date

## 145. Recommendations

**Section 317** (1) When requesting recommendation sheets, the candidate shall make a statement that

- a) he is willing to undertake to represent the national minority, and
- b) he speaks the language of the national minority community and is familiar with its culture and traditions.

(2) The election office shall verify in the register of candidates that the candidate did not stand for election as a candidate for another national minority in the last two general elections of national minority self-government representatives and in the subsequent by-elections.

(3) The recommendation sheets shall also contain a reference to the national minority.

(4) The election office shall transmit, free of charge, to the nominating organisation the name, address, age and sex of voters who are recorded in the central electoral register as voters of the national minority concerned

- a) at the time of handing over the recommendation sheets,
- b) at the request of the nominating organisation on the thirty-eighth and thirteenth day before voting day, with the exception of data of voters who prohibited the release of their data under section 89 (1).

(5) Data provided pursuant to paragraph (4) a) shall only be used for gathering recommendations, and data provided pursuant to paragraph (4) b) shall only be used for direct political campaigning. The provisions of section 155 and section 218 (2) d) shall also apply to processing the data provided.

## 146. Notifying candidates

**Section 318** (1) Settlement national minority self-government candidates shall be notified not later than on the thirty-fourth day before voting day.

(2) The local election commission shall register settlement national minority self-government candidates.

(3)

(4)

## 147. Notifying lists

**Section 319** (1) Lists drawn up for the regional and national self-government elections of national minorities shall be notified not later than on the thirty-third day before voting day.

(2) The regional election commission shall register the lists drawn up for the regional national minority self-government elections and the candidates on those lists, and the National Election Commission shall register the lists drawn up for the national self-government elections of national minorities and the candidates on those lists.

(3) The provisions of section 317 (1) and (2) shall apply also to candidates included in a list.

**Section 320** (1) For drawing up a list, the number of the settlement national minority self-government candidates of the nominating organisation that have been notified by the date of registration of the list shall be taken into account, with the exception of candidates whose registration was refused by the local election commission.

(2) The election office shall deregister a list if the total number of the settlement national minority self-government candidates of the nominating organisation who are registered with final and binding effect and not deregistered and of those who are notified but not yet assessed with final and binding effect does not reach the minimum number determined in the Act on the rights of national minorities.

#### **148. Content of the ballot paper**

**Section 321** (1) Separate ballot papers shall be used for the elections of settlement self-governments, regional self-governments and national self-governments of national minorities.

(2) The ballot papers shall contain also a reference to the national minority.

(3) The text under points a) to f) and k) of Annex 5 and points a) to f) and k) of Annex 6 and a reference to the national minority shall be indicated also in the language of the national minority on the ballot papers.

(4)

#### **149. Transmitting the postal voting packages to voters recorded in the postal voter electoral register**

#### **Section 322**

#### **150. Voting**

**Section 323** (1) The polling station commission shall hand over to the voters recorded in the electoral register as national minority voters the ballot papers of their national minority's settlement, regional or national self-government.

(2) The voter shall put the ballot papers in an envelope on which there is reference to the national minority. The voter shall seal the envelope.

## **151. Forwarding the votes**

**Section 323/A** (1) The polling station commission shall seal envelopes, without opening them, in separate transportation envelopes for each national minority and shall transport the transportation envelopes to the local election office.

(2) By way of derogation from paragraph (1),

a) the local election commission acting within the powers of a polling station commission in a settlement with a single polling district shall not seal the envelopes containing ballot papers under section 327 (1) in a transportation envelope and shall not transport them to the local election office,

b) the polling station commission operating in a settlement other than the seat of the local election office shall transport the envelopes containing ballot papers under section 327 (1) directly to the local election commission.

(3) The local election office shall transport to the regional election office the transportation envelopes containing the ballot papers under section 327 (2).

## **Section 324**

## **152. Publicity of vote counting**

## **Section 325**

## **153. Vote counting**

**Section 326** (1) In the application of the rules on vote counting and on drawing up the minutes, for each national minority, the national minority's settlement, regional and national elections shall be handled separately.

(2) Ballot papers in an unsealed envelope and ballot papers found outside an envelope shall be invalid.

## **154. Counting of votes**

**Section 327** (1) The local election commission shall count the settlement, regional list and national list ballot papers of a national minority as regards which a settlement national minority self-government election is held in the settlement.

(2) The regional election commission shall count the regional list and national list ballot papers of a national minority as regards which no settlement national minority self-government election is held in the settlement.

(3) In settlements with multiple polling districts, the local election commission may make use of the assistance of its substitute members, the elected members of the polling station commission and the members of the local election office for vote counting. The regional election commission may make use of the assistance of its substitute members and the members of the regional election office for vote counting.

### **155. Establishing the election result**

**Section 328** The local election commission shall establish the result of the settlement national minority self-government election.

**Section 329** (1) The local election office shall transmit a copy of each minutes on the result of vote counting under section 327 (1) to the regional election office not later than on the third day following voting day.

(2) The regional election commission shall establish the result of the regional national minority self-government election on the basis of the minutes on the counting of regional list ballot papers under paragraph (1) and the minutes establishing the result of the vote counting performed by itself.

(3) The regional election commission shall establish the partial regional result of the national self-government election of the national minority on the basis of the minutes on the counting of national list ballot papers under paragraph (1) and the minutes establishing the result of the vote counting performed by itself.

(4) The National Election Commission shall establish the result of the national self-government election of the national minority on the basis of the minutes drawn up by the regional election commissions establishing the partial regional results of the national self-government election of the national minority.

### **156. Legal remedy**

**Section 330** (1) The local election commission shall decide on

a) objections against the activities and decisions of the polling station commission, and objections regarding other acts committed at polling stations,

b) all objections that are specifically related to the settlement national minority self-government election.

(2) The regional election commission shall decide on

a) all objections that are specifically related to the regional national minority self-government election,

b) all objections not falling under paragraph (1) b) where the act is committed within the territory of competence of the regional election commission,

c) appeals challenging a decision of the local election commission.



(3) The National Election Commission shall decide on

- a) all objections that are specifically related to the national self-government election of the national minority,
- b) all objections not falling under paragraph (1) b) and paragraph (2) a) if the place where the act is committed cannot be ascertained,
- c) appeals challenging a decision of the regional election commission.

### **156/A. By-election**

**Section 330/A** A separate polling district covering the whole settlement shall be set up for by-elections, except for when the by-election is held on the same day as the by-election of local government representatives and mayors in respect of a whole settlement. The head of the local election office shall determine the number of keepers of minutes.

### *Chapter XVI*

#### *ELECTION IN A JOINT PROCEEDING OF THE MEMBERS OF THE EUROPEAN PARLIAMENT AS WELL AS OF THE LOCAL GOVERNMENT REPRESENTATIVES AND MAYORS AND THE NATIONAL MINORITY SELF-GOVERNMENT REPRESENTATIVES*

**Section 331** (1) Chapters I to XII Chapter XIV, Chapter XV and section 244 (2), section 245 (2) to (5), section 247 (1) and (3), section 250 (1), (3), (4) and (6) to (8), section 251, section 257 (3), section 257/A, section 257/B, section 258 (1), sections 259 to 263, sections 266 to 270, section 271 (2), section 272 to 281, sections 283 to 285, sections 288 to 291, section 293 and section 295 shall apply to the election in a joint proceeding of the Members of the European Parliament with the derogations specified in this Chapter.

(2) Section 302, section 303, section 304, section 307/C, section 307/D (2) as well as section 307/P, section 309 (2), section 310, section 311 (1), section 330 and section 330/A shall not apply to the joint proceeding.

(3) If the election of the Members of the European Parliament and the general election of the Members of the National Assembly are held on the same day, section 247 (2), section 257 (2), section 271 (1), section 282, section 286, section 287, section 292, section 294, section 296 and section 297 shall apply also to the election of the Members of the European Parliament. In such a situation, section 333, section 341/A, section 342, section 343 (2) and section 345 shall not apply.

## **157. Setting the election date**

### **Section 332 (1)**

(2) The election date shall be set for a Sunday within the period determined by the European Union. If the Sunday within the period determined by the European Union falls on a public holiday according to the Labour Code, or on Easter Sunday or Whit Sunday, the date of the election of the Members of the European Parliament shall be set for another day within the period determined by the European Union.

## **158. Election bodies**

**Section 333 (1)** The following election commissions shall operate in a joint proceeding:

- a) the National Election Commission,
- b) regional election commission,
- c) local election commission,
- d) polling station commission.

(2) In addition to those referred to in section 28 (3), the nominating organisations that drew up a list in the election of the Members of the European Parliament shall each delegate an additional member to the local election commission. Section 29 (2) to (3) shall apply also to this delegation.

### **158/A The postal voter electoral register in the election of the Members of the European Parliament**

**Section 333/A** A voter not recorded in the register of personal data and address of citizens may be entered into the postal voter electoral register only if his address is recorded in the central electoral register on the basis of a request submitted not later than on the twenty-fifth day before voting day.

## **159. Requests for the registration of nationals of other Member States of the European Union**

**Section 334 (1)** A national of another Member State of the European Union may request not later than on the sixteenth day before voting day that his registration in the central electoral register apply to also the election of the Members of the European Parliament. The request shall include

- a) a statement by the voter that he only exercises his voting right in Hungary,
- b) the specification of the settlement or constituency in the electoral register of which he is registered in the Member State of his nationality, if applicable.

(2) A national of another Member State of the European Union who is recorded in the central electoral register also for the election of the Members of the European Parliament may request not later than on the tenth day before voting day that his registration in the central electoral register do not apply to the election of the Members of the European Parliament.

## **160. Registration of nationals of other Member States of the European Union**

**Section 335** (1) The National Election Office shall notify, not later than on the fifteenth day before voting day, the central organs of the Member States of the European Union competent to receive such data in the course of elections to the European Parliament of the nationals of each country who are recorded in the polling district electoral register of the election of the Members of the European Parliament. The notification shall contain the following data of the voter:

- a) name,
- b) sex,
- c) place and date of birth,
- d) nationality,
- e) the settlement or constituency in the electoral register of which the person concerned was last recorded in the state of his nationality.

(2) On the basis of a request to that effect by the Member State concerned, data provision under paragraph (1) may also include other personal data included in the central electoral register of the voter.

## **161. Deregistration of voters exercising their suffrage in another EU Member State**

**Section 336** On the basis of a notification to that effect about Hungarian voters recorded in the electoral register of another Member State of the European Union for the election of the Members of the European Parliament, the National Election Office shall deregister the voters concerned from the polling district electoral register of the election of the Members of the European Parliament.

## **162. Provision of data from the register of citizens without suffrage**

**Section 337** At the request of the competent organ authorised to process data in the course of elections to the European Parliament of a Member State of the European Union, the National Election Office shall, within five days, provide data from the register of citizens without suffrage as regards the suffrage of a Hungarian citizen who for the election to the European Parliament applies for registration in the electoral register in the Member State concerned or stands for election there.

## **162/A. Requesting absentee voting**

**Section 337/A** (1) Requests for absentee voting shall be submitted not later than on the ninth day before voting day.

(2) A voter who requested absentee voting

a) may, within the time limit under paragraph (1), modify or

b) may, by 10.00 on the second day before voting day, withdraw

his request for absentee voting.

(3) If a voter who requested absentee voting complies with the requirements for requesting absentee voting under both section 250 and section 307/A

a) and changes his voting location to the settlement of his place of residence, he shall be entered into the electoral register of the polling district referred to in section 307/B (1) at all three elections,

b) and changes his voting location to a settlement other than the settlement of his place of residence, he shall be entered into the electoral register of the polling district referred to in section 250 (4) for the election of the Members of the European Parliament, but at the election of local government representatives and mayors and the election of national minority self-government representatives he shall be entered into the electoral register of the polling district of his domicile or the polling district referred to in section 102 (3).

## **162/B. Notifying nominating organisations**

**Section 337/B** The nominating organisation shall be registered by the regional election commission or the National Election Commission, depending on to which it was notified.

## **163. Notifying lists drawn up for the election of the Members of the European Parliament**

**Section 338** (1) Lists shall be notified not later than on the thirty-seventh day before voting day.

(2) The National Election Commission shall register the lists.

(3) The provisions of section 120 (1) to (2) and sections 121 to 127 shall also apply to recommending lists.

(3a) A voter with no address in Hungary may enter on the recommendation sheet the number of his official identity verification card and his date of birth instead of his personal identifier and address.

(4)

**Section 339** (1) When notifying a national of another Member State of the European Union as a candidate, a statement by the candidate shall be attached that shall contain the following:

- a) nationality, address, place and date of birth and the address of his last domicile in the state of his nationality,
- b) he stands as a candidate in the election of the Members of the European Parliament only in Hungary,
- c) the specification of the settlement or constituency in the electoral register of which the candidate concerned was last registered in the Member State of his nationality,
- d) in the Member State of his nationality, he is not subject to any provision prohibiting him from standing for election.

(2) When notifying a national of another European Union Member State as a candidate, the National Election Office shall inform the competent authority of the Member State of the nationality of the candidate of the statement under paragraph (1) and request a verification of the fact that, in the Member State of his nationality, the candidate is not subject to any provision prohibiting him from standing for election.

(3) The National Election Office shall inform, by sending the data set out in points a) and c) of Annex 2 and within three days of the registration becoming final and binding, the competent bodies of the Member States of the European Union about their citizens who are registered as candidates by the National Election Commission.

**Section 340** The National Election Commission shall refuse to register, or the National Election Office shall deregister from among the candidates, a candidate who

- a) was registered as a candidate in another Member State of the European Union,
- b) who does not have the right of suffrage according to the response to a request under section 339 (2) from the competent authority of the Member State of the nationality of the candidate.

## 164. Voting

**Section 341** Unsealed envelopes found in ballot boxes received from foreign missions shall be considered votes not cast and shall be packed separately.

**Section 341/A** A voter shall not be entered into the polling district electoral register of the election of the Members of the European Parliament and shall not be allowed to cast a vote in person at the election of the Members of the European Parliament if he established an address in Hungary following the seventh day before election day, and

- a) the National Election Office sent him a postal voting package pursuant to section 277 (1) or
- b) he was recorded in the postal voter electoral register on any day between the fifteenth and seventh day before voting day and requested to receive the ballot paper in person.

## **165. Vote counting**

**Section 342** The votes cast at a foreign mission shall be counted by the National Election Office under the supervision of the National Election Commission. The counting shall not start before 19.00 on voting day.

## **166. Establishing the election result**

**Section 343** (1) The local election office shall transmit a copy of the polling district minutes on the result of voting to the National Election Office.

(2) Not later than on the nineteenth day after voting day, the National Election Commission shall, on the basis of

- a) the polling district minutes,
- b) the minutes establishing the result of voting at foreign missions, and
- c) the minutes establishing the result of postal voting

establish the result of the election of the Members of the European Parliament.

**Section 344** With the exception of the number of voters who turned up to vote, informational data containing the unauthenticated result of the election of the Members of the European Parliament, and the election result, may be made publicly available only after voting is concluded in all Member States of the European Union.

## **167. Legal remedy**

**Section 345** (1) The local election commission shall decide on

- a) objections against the activities and decisions of the polling station commission, and objections regarding other acts committed at polling stations;
- b) all objections that are specifically related to the multi-member list, single-member constituency, compensatory list, settlement national minority or mayoral election,
- c) objections that are related to the election of the Members of the European Parliament specifically within the territory of competence of the local election commission.

(2) The regional election commission shall decide on

- a) all objections that are specifically related to the county or capital local government election, the election of the Capital Mayor or the regional national minority election,
- b) all objections not falling under paragraph (1) regarding which territorial competence lies specifically with the regional election commission,

c) appeals challenging a decision of the local election commission and appeals challenging a decision on an objection against a decision of the head of the local election office adopted in accordance with section 32 (3).

(3) The National Election Commission shall decide on

a) all objections not falling under paragraphs (1) and (2) if the place where the act is committed cannot be ascertained,

b) appeals challenging a decision of the regional election commission.

(4) The Curia shall decide on judicial review applications against the result of the election of local government representatives and mayors or the election of national minority self-government representatives on the eighth day from receiving the application at the latest.

### **167/A Resignation of a representative-elect**

**Section 345/A** After voting day until the confirmation of the validity of the mandate by the European Parliament, a representative-elect may resign by tendering his resignation in writing to the National Election Commission.

FINAL PART

Chapter XVII

Final provisions

### **168. Authorising provisions**

**Section 346** Authorisation shall be given to the Minister to determine in a decree

a) the detailed rules on the performance of tasks falling within the competence of election offices,

b) the forms to be used for the purpose of election procedure,

c) the time limits and due dates for election procedure,

d) the scope of data in national election result summaries,

e) allocations, items and accounting and internal audit procedures for election costs,

f) the amount of honorarium for election commission members, with the exception of the National Election Commission, and of remuneration for election office members,

g) documents accepted as proof of the capacity of a person to act as the representative of a media content provider,

h) detailed rules on the payment of fines,

- i) the settlements and foreign missions where voters with no address in Hungary may collect the postal voting package in person if they request to do so,
- j) the detailed rules on carrying out the IT tasks of capital and county government offices relating to elections,
- k) the range, and the rules on reimbursement, of justified and certified expenses relating to the operation of the National Election Commission incurred by the elected members of the National Election Commission,
- l) the detailed rules for the payment in advance under section 310 (2).

### **169. Provisions on entry into force**

**Section 347** This Act shall enter into force on the fifteenth day following its promulgation.

### **170. Abbreviation of the Act**

**Section 348** The short title for this Act shall be the following: “Election Procedure Act”.

### **171. Transitional provisions**

**Section 349** (1) The provisions of Act C of 1997 on election procedure shall apply to the following:

- a) parliamentary by-elections before the first general election of the Members of the National Assembly held after the entry into force of this Act,
- b) local government by-elections before the first general election of local government representatives and mayors held after the entry into force of this Act,
- c) national and local referendums, national and local popular initiatives and citizens’ initiatives until the entry into force of the Act on national and local referendums, national and local popular initiatives and citizens’ initiatives,
- d) regional and national self-government by-elections of national minorities as well as filling the vacancy if a seat in a regional or national self-government of a national minority becomes vacant, before the first general election of national minority self-governments following the entry into force of this Act,
- e) filling the vacancy if a seat in the European Parliament becomes vacant, before the first general election of the Members of the European Parliament following the entry into force of this Act.



(1a) Section 48 (1) and (3), Chapter X and section 148/B (2) to (4) of Act C of 1997 shall apply to a European citizens' initiative with the proviso that in the application of section 148/B (3), it shall be established whether the person signing the statement of support is a national of a Member State of the European Union and whether he attained, at the time of signing the statement of support, the age at which citizens are entitled to vote in elections to the European Parliament in the Member State of his nationality.

(1b) Section 16 (1) of Act C of 1997 shall apply with the derogation that if a change in the address of the voter is transferred to the register of personal data and addresses by the district office, the head of the local election office shall enter the voter in the electoral register within five days following the change in address.

(2) The powers established in Act C of 1997 for the State Election Commission shall be exercised by the National Election Commission, and those established for the State Election Office shall be exercised by the National Election Office.

(3) Data in the register under section 99/E of Act C of 1997 on election procedure shall be erased within fifteen days following the entry into force of this Act.

(4) A person shall also be entered into the register of citizens without suffrage if he was, on 1 January 2012, under custodianship precluding or limiting his capacity to act on the basis of a final and binding judgment, and if the court did not yet decide on the question of his deprivation of suffrage. Section 13/A (4) shall apply to bringing actions for establishing suffrage.

**Section 350** (1) In the 2014 general election of local government representatives and mayors and the subsequent by-elections, a national minority candidate shall also make a statement that he did not stand for election as a national minority candidate of another national minority in the last two general elections of local government representatives and mayors and national minority self-government representatives and in the subsequent by-elections. Section 307/F (2) shall not apply before the 2019 general election of local government representatives and mayors.

(2) In the 2014 general election of national minority self-government representatives and the subsequent by-elections, a candidate shall also make a statement that he did not stand for election as a candidate of another national minority in the last two general elections of national minority self-government representatives and in the subsequent by-elections. Section 318 (4) shall not apply before the 2019 general election of national minority self-government representatives.

(3) In the application of section 307/G (4) and section 317 (2), in the 2019 general election of local government representatives and mayors and national minority self-government representatives and the subsequent by-elections, the elections before the 2014 general election of local government representatives and mayors and national minority self-government representatives need not be examined.

**Section 351** (1) Polling districts shall be set up for the first time by 31 July 2013.

(1a) The constituencies for local government elections shall be set up for the first time by 31 March 2014.

(2) Registration in the central electoral register and the recording of data under section 85 (1) may be requested from 1 November 2013. A voter with no address in Hungary may submit by mail a request for registration in the central electoral register already from 1 August 2013; such requests submitted before 1 November 2013 shall be assessed by the National Election Office by 30 November 2013.

(3) A voter with address in Hungary and a voter living in Hungary with no address may request the registration of data under section 85 (1) after 1 January 2014.

**Section 352** (1) Members of the National Election Commission shall be elected for the first time in the month of September following the entry into force of this Act.

(2) The mandate of the members of the State Election Commission operating at the time of the entry into force of this Act shall last until the constituent sitting of the National Election Commission elected pursuant to paragraph (1).

**Section 353** In 2013, the date of by-elections of Members of the National Assembly may not be set for a day following 1 September.

**Section 353/A** The provisions of this Act as introduced by Act XXXVI of 2018 amending certain Acts relating to elections shall apply to elections the date of which is set after its entry into force.

**Section 353/B** The provisions of this Act as introduced by Act CXXVII of 2019 amending certain Acts in connection with the introduction of single-instance district office proceedings shall apply to elections the date of which is set after 1 January 2020.

**Section 353/C** The provisions of this Act as introduced by Act CLXVII of 2020 amending certain Acts on the subject of elections shall apply to elections the date for which is set after their entry into force.

**Section 353/D** (1) The president and vice-president of the National Election Office shall, in accordance with section 57 (1) of this Act as introduced by Act XVIII of 2022 amending Act XXXVI of 2012 on the National Assembly and certain related Acts, make a declaration of assets by 5 August 2022 reflecting the situation on the day when the declaration of assets is made.

(2) The entity in charge of dealing with the declarations of assets shall retain the declarations of assets of the spouses, cohabitants and children of the president and vice-president of the National Election Office living in the same household with the president and vice-president of the National Election Office, respectively, that are kept by the entity in charge of dealing with the declarations on the day of entry into force of Act XVIII of 2022 amending Act XXXVI of 2012 on the National Assembly and certain related Acts until 1 August 2023.

(3) To proceedings related to declarations of assets pending on the day of entry into force of Act XVIII of 2022 amending Act XXXVI of 2012 on the National Assembly and certain related Acts, the rules in force on the day of commencement of the proceeding shall apply.

**Section 353/E** (1) The president and vice-president of the National Election Office shall for the first time make a declaration of assets covering the information and in the form set out in Act LVI of 2022 amending, at the request of the European Commission, certain Acts for the successful conclusion of the conditionality mechanism procedure, reflecting the situation on 1 November 2022, by 31 January 2023 in accordance with the provisions introduced by Act XXXI of 2022 amending certain Acts on declaration of assets relating to the control of the use of European Union budget funds, attaching also the declarations of assets of their spouses, cohabitants and children living in the same household with them.

(2) To proceedings relating to declarations of assets pending on the day of entry into force of Act XXXI of 2022 amending certain Acts on declaration of assets relating to the control of the use of European Union budget funds, the rules in force on the day of commencement of the proceeding shall apply.

**Section 353/F** (1) By way of derogation from section 8 (2) b) of this Act as introduced by Act XXIV of 2023 amending the election procedure rules in connection with electronic administration (hereinafter the “Amending Act”), a day shall not be set as the date of a by-election of the local government representatives and mayors if it falls between the day of the entry into force of the Amending Act and the day of the 2024 general election of local government representatives and mayors, and any election already set for this period shall be cancelled except as provided in paragraph (2).

(2) Where the election campaign period for a by-election the date for which had been set before the entry into force of the Amending Act started before the entry into force of the Amending Act, the election shall be held.

(3) For a by-election cancelled under paragraph (1), the time limit specified in section 307/T of this Act as introduced by the Amending Act shall start on the day of the entry into force of the Amending Act.

**Section 353/G** (1) By way of derogation from section 8 (2) c) of this Act as introduced by the Amending Act, a day shall not be set as the date of a by-election of the national minority self-government representatives if it falls between the day of the entry into force of the Amending Act and the day of the 2024 general election of national minority self-government representatives, and any election already set for this period shall be cancelled except as provided in paragraph (2).

(2) Where the election campaign period for a by-election the date for which had been set before the entry into force of the Amending Act started before the entry into force of the Amending Act, the election shall be held.

(3) For a by-election cancelled under paragraph (1), the time limit specified in section 307/T of this Act as introduced by the Amending Act shall start on the day of the entry into force of the Amending Act.

**Section 353/H** The provisions of this Act as introduced by Act XCV of 2023 amending certain election-related Acts for fairer and more proportionate local government elections (hereinafter “Amending Act 1”) shall apply for the first time to the general election of local government representatives and mayors the date of which is to be set following the entry into force of the Amending Act 1.

**Section 353/I** A decision adopted by the head of the Capital Election Office in accordance with section 306 (2) regarding the general election of local government representatives and mayors the date of which is set after the entry into force of the Amending Act 1 shall cease to have effect.

## **172. Compliance with the requirement of the Fundamental Law on cardinality**

**Section 354** (1) The General Part, with the exception of section 3 10, section 146 a), sections 147 to 147/F, subtitle 74 and section 233; furthermore, section 346, section 347, section 353/D, section 353/E, section 353/H and Annexes 1 to 6 and Annex 9 qualify as cardinal on the basis of Article XXIX (3), Article 2 (1) and Article 35 (1) of the Fundamental Law.

(2) Section 3 10, section 146 a), sections 147 to 147/F and subtitle 74 qualify as cardinal on the basis of Article IX 3, Article XXIX (3), Article 2 (1) and Article 35 (1) of the Fundamental Law.

(3) Section 233 qualifies as cardinal on the basis of Article 24 (9) of the Fundamental Law.

(4) Chapter XIII, section 331 (3) and Annexes 7 and 8 qualify as cardinal on the basis of Article 2 (1) of the Fundamental Law.

(5) Chapter XIV, section 331 (1) to (2), section 333, subtitle 162/A, subtitle 162/B, section 345, section 353/F and section 353/I qualify as cardinal on the basis of Article 35 (1) of the Fundamental Law.

(6) Chapter XV and section 353/G qualify as cardinal on the basis of Article XXIX (3) of the Fundamental Law.

## **173. Compliance with European Union law**

**Section 355** (1) Section 90, sections 334 to 337, section 339 and section 340, in conjunction with Article XXIII (2) of the Fundamental Law, serve the purpose of compliance with Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not national and Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC.

(2) Section 305, in conjunction with Article XXIII (2) of the Fundamental Law, serves the purpose of compliance with Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

(3) Section 332 (2), section 338 (3a), section 341/A, section 343 (2) and section 344, in conjunction with Article XXXIII (2) of the Fundamental Law and with Act CXIII of 2003 on the election and status of the Members of the European Parliament, contain provisions for the implementation of Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976.

#### **174. Amending provisions**

##### **Section 356**

##### **Section 357**

##### **Section 358**

##### **Section 359**

##### **Section 360**

##### **Section 361**

##### **Section 362**

##### **Section 363**

**Section 364** Section 459 (1) 11 of Act C of 2012 on the Criminal Code shall enter into force supplemented by the following subpoint I):

“I) a member of the election commission;”

##### **Section 365**

##### **Section 366**

#### **175. Repealing provisions**

##### **Section 367**

*Annex I to Act XXXVI of 2013*

#### **Data content of the register of polling districts and constituencies**

The register of polling districts and constituencies contains the following:

a) the serial number of parliamentary single-member constituencies, the number of voters belonging to a constituency, the name of settlements belonging to a constituency and, in the case of settlements divided into more than one single-member constituency, the serial number of polling district belonging to the constituency,

- b) in settlements with more than ten thousand inhabitants, the serial number of local government single-member constituencies, the number of voters belonging to the constituency, the serial number of polling districts belonging to the constituency,
- c) for each settlement, the serial number of each polling district, the addresses belonging to each polling district, the number of voters belonging to each polling district, the address of the polling station for each polling district,
- d) indication of the polling district designated under section 78 and the polling district designated under section 292 (1),
- e) address of the place where votes can be handed over in accordance with section 281 (1),
- f) information on the accessibility of the polling stations,
- g) cartographic indication of polling districts and constituencies,
- h) indication of national minorities the number of persons belonging to which in the settlement reaches twenty-five according to the data, aggregated by national minority, provided in response to the questions of the last census regarding belonging to a national minority.

#### *Annex 2 to Act XXXVI of 2013*

#### **Data content of the central electoral register**

The central electoral register contains the following:

- a) name and birth name of the voter,
- b) personal identifier of the voter,
- c) address of the domicile and place of residence of the voter,
- d) name of the mother of the voter,
- e) place and date of birth of the voter,
- f) for a voter with no address in Hungary, the type and number of the official verification card for verifying identity if he does not have a personal identifier,
- g) reference to the election and the constituency in which the voter has the right to vote and of the election in which he can be voted for,
- h) reference to the settlement and single-member constituency in which the voter was recorded in the polling district electoral register on the day of the last election of local government representatives and mayors,
- i) for a voter recorded in the electoral register for an election of the Members of the European Parliament as a national of another Member State of the European Union,
  - ia) nationality,
  - ib) reference to the settlement or constituency in the electoral register of which he was last recorded in the Member State of his nationality, if available,
- j) for a voter recorded in the electoral register as national minority voter, the date of the submission of his request and the date on which he was entered into the electoral register as national minority voter, and reference to
  - ja) the national minority to which the voter belongs according to the electoral register,
  - jb) whether the registration of the voter as national minority voter applies to also the election of the Members of the National Assembly,
- k) reference to the type of assistance under section 88 the voter with a disability requires,
- l) the content of the statement under section 89 (1),
- m) reference to the constituency and the polling district where the voter can exercise his right to vote,

- n) the date on which a voter living abroad with no address in Hungary is entered into the central electoral register and the date on which the act referred to in section 97 (1) b), is indicated in the central electoral register,
- o) for a voter with no address in Hungary,
- oa) reference to the settlement where he wishes the postal voting package to be received in person,
- ob) postal address if he requested the postal voting package to be delivered by post,
- oc) postal address or email address as provided under section 92 (4),
- p) status of the voter,
- q) the reason for, and the date of, the deregistration of the voter under section 97 (2).

*Annex 2/A to Act XXXVI of 2013*

**Data content of the register of citizens without suffrage**

The register of citizens without suffrage contains the following data for a citizen:

- a) name,
- b) birth name,
- c) personal identifier, if any,
- d) address,
- e) name of the mother,
- f) place of birth,
- g) date of birth,
- h) reference to the lack of active and/or passive suffrage,
- i) specification of the data source of his data transferred under section 98 (2), and
- j) the reason for, and the date of, the deletion of data of the citizen, until the date specified under section 98 (4).

*Annex 3 to Act XXXVI of 2013*

**Data content of the polling district electoral register**

The polling district electoral register contains the following:

- a) name of election,
- b) voting day,
- c) settlement and constituency,
- d) serial number of the polling district,
- e) address of the polling station,
- f) the following data of the voter:
  - fa) name,
  - fb) birth name,
  - fc) to fd)
  - fe) personal identifier,
  - ff) address in Hungary,
  - fg) reference to the voting assistance requested by him pursuant to section 88,
  - fh)
  - g)
- h) number of voters recorded in the polling district electoral register,

i) in a situation under section 257 (1b), reference to the fact that the voter can only vote on single-member constituency ballot paper.

#### *Annex 4 to Act XXXVI of 2013*

### **Data content of the register of nominating organisations, candidates and lists**

The register of nominating organisations, candidates and lists contains the following:

- a) for a nominating organisation:
  - aa) name and seat,
  - ab) abbreviated name,
  - ac) logo,
  - ad) type,
  - ae) court registration number or identifier in the public register of the treasury,
  - af) phone number and email address,
  - ag) name, birth name, name of the mother, and place and date of birth of its statutory representative, the scope of his right of representation, the way this right is exercised, term of mandate, termination date of mandate,
  - ah) name, birth name, name of the mother, and place and date of birth of its authorised representative, and the territorial limitation of authorisation if applicable,
  - ai) statement as to whether it wishes its abbreviated name and/or logo to be placed on the ballot paper,
  - aj) statement as to whether it wishes its name and/or abbreviated name to be indicated on the ballot paper in the national minority language,
- b) for a candidate:
  - ba) name and address,
  - bb) personal identifier or, if a personal identifier is not available, the number of his passport, identity card or driving licence issued by a Hungarian authority,
  - bc) reference to his independent candidacy or the nominating organisation of which he is a constituency candidate or in the list of which he is included,
  - bd) statement as to whether he wishes that out of his multiple given names, only one be indicated on, or that the “dr.” title be omitted from, the ballot paper,
  - be) statement as to whether he wishes his name to be indicated on the ballot paper in the national minority language,
  - bf) in a situation under section 157 (2), his occupation,
- c) the nominating organisation drawing up a list,
- d) other data not qualifying as personal data as specified by the Minister in a decree,
- e) reference to the election for which the nominating organisation, candidate or list was registered, the constituency in which the candidate stands for election or for which the list is drawn up.

#### *Annex 5 to Act XXXVI of 2013*

### **Content of the candidate ballot paper**

The candidate ballot paper contains the following:

- a) the designation “szavazólap” (“ballot paper”),
- b) a space marked for stamping in the top left corner of the ballot paper,



- c) name of the election,
- d) voting day,
- e) reference to the constituency,
- f) number of candidates for whom votes can be cast validly,
- g) serial number of the candidate
- h) name of the candidate,
- i) a circle to mark the vote,
- j) name of the nominating organisation or the reference “*független jelölt*” (“independent candidate”),
- j) information on the form-related requirements for a valid vote.

#### *Annex 6 to Act XXXVI of 2013*

### **Content of the list ballot paper**

The list ballot paper contains the following:

- a) the designation “*szavazólap*” (“ballot paper”),
- b) a space marked for stamping in the top left corner of the ballot paper,
- c) name of the election,
- d) voting day,
- e) reference to the constituency,
- f) note indicating that a vote will be valid only if it is cast for one list,
- g) serial number of the list,
- h) a circle to mark the vote,
- i) name of the nominating organisation,
- j) the names of the first five candidates included in the list,
- k) information on the form-related requirements for a valid vote.

#### *Annex 7 to Act XXXVI of 2013*

### **Data content of the foreign mission electoral register**

The foreign mission electoral register contains the following:

- a) name of the election,
- b) voting day,
- c) reference to the foreign mission,
- d) for voters:
  - da) name,
  - db) personal identifier,
  - dc) birth name,
  - dd) to df)
- e) specification of ballot papers to be handed over to the voter,
- f) number of voters recorded in the foreign mission electoral register.

#### *Annex 8 to Act XXXVI of 2013*

### **Data content of the postal voter electoral register**

The postal voter electoral register contains the following:

- a) name of the election,
- b) voting day,
- c) for voters:
  - ca) name, birth name, name of the mother,
  - cb) personal identifier, or if a personal identifier is not available, the type and number of the official identity verification card,
  - cc) place and date of birth,
  - cd) reference to the settlement where he wishes the postal voting package to be received in person, if applicable,
  - ce) postal address if he requested the postal voting package to be delivered by post,
  - cf) postal address or email address as provided under section 92 (4),
- d) number of voters recorded in the postal voter electoral register.

*Annex 9 to Act XXXVI of 2013*

### **Data content of the register of representatives**

The register of representatives contains the following data for a representative:

- a) name,
- b) birth name,
- c) personal identifier or, for a citizen not having personal identifier, the type and number of the official identity verification card,
- d) address in Hungary,
- e) name of the mother,
- f) place of birth,
- g) date of birth,
- h) type of mandate and reference to the constituency,
- i) day of establishment and termination of mandate, and voting day,
- j) reason for the termination of mandate,
- k) reference to his independent candidacy or the nominating organisation of which he was a constituency candidate or in the list of which he was included.