

**ELECTORAL GUIDELINES**  
**138.**

**INFORMATION BOOKLET**

**for international observers for the parliamentary  
elections of 2006**

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## **FOREWORD**

The President of the Republic of Hungary has posted the general election of Members of Parliament to take place on the 9<sup>th</sup> of April and the 23<sup>rd</sup> of April 2006. Hungarian voters may freely decide, already for the fifth time, about the future of their country by means of independent and democratic elections.

The system of parliamentary elections remained practically unchanged for the 17 years that have passed since its creation. However, the recently introduced institution of voting from abroad will be offered for the first time in the history of parliamentary elections in Hungary.

The National Election Office considers it a great honour and welcomes the interest and participation of foreign observers in the parliamentary elections, and yet again, similarly to its former practice, intends to support their work by publishing a practical handbook for election observation.

This publication aims to introduce the structure and operation of the Hungarian election system to our foreign guests by giving practical information and also by showing the legal background of the elections. Our dear visitors may access other information sources as well, using our Internet service or other electronic information systems, furthermore, we will organize international press conferences especially for them.

Following the traditions, the National Election Office puts a great emphasis on the openness and transparency of the electoral procedure, confirming the highly important role of international observers in that respect as well. We do hope that our publication will be a useful guide for our foreign guests during the elections and provides an adequate support for their work!

Budapest, March 2006.

**Emília Rytkó**



## 1. The Hungarian election system

The current Hungarian election system was made by legislators as a result of the tripartite consultation process during the period of constitutional transition in 1989. Its makers meant it to be expressly transitory, to be used in the first democratic election that created the condition of the change of regime; in spite of that it has been applied since then in a basically unchanged form. The bargain nature of establishing the election system explains the fact that a mixed parliamentary election scheme was developed, which uses both the majority and the proportional system, and combines these two with a national compensation list meant to be a proportioning element.

Since the change of regime there have been four parliamentary elections (in 1990, 1994, 1998, 2002) pursuant to Act XXXIV. of 1989 on the Election of Members of Parliament. The election system outlined in the said Act meets democratic requirements, and has worked well so far. As a matter of fact, the body of rules covering parliamentary elections has been modified several times during its 16-year existence, which has affected substantive law only partially, procedural law fundamentally. Such important modification was the regulation of procedural rules in a separate law, which was made in 1997, and can be considered a real code as it contains the body of rules of procedural law of not only parliamentary but all types of elections and national referendums.

An important modification affecting also the body of rules of parliamentary elections can be considered the introduction of voting at foreign representations (which voters could use in the election of the Members of the European Parliament in 2004), and the procedural reform that took place in 2005, the key elements of which made the powers, competence of election committees and the rules of remedial proceedings more accurate.

Below you will find an outlined description of the legal structure of the Hungarian parliamentary election system, touching on other issues related to the elections, such as the campaign financing, or the role of the media in the elections.

### 1.1 The election of Members of Parliament

The body of rules of the Hungarian parliamentary elections is contained in the following acts:

1. **Act XX of 1949 on the Constitution of the Republic of Hungary**, which formulates the basic principle of popular representation democracy, regulates the conditions of suffrage as a fundamental political right, defines the basic principles of elections, and the fundamental rules of calling the elections.
2. **Act XXXIV of 1989 on the Election of Members of Parliament (Vjt.)**, which contains the rules of substantive law, defines the structure, elements of the election system, the method of allocating mandates and the rules of determining the results, and provides for holding parliamentary by-elections.
3. **Act C of 1997 on the Electoral Procedure (Ve.)**, which sets forth the rules of the legal elements of the electoral procedure (election bodies, register, proposal, nomination, voting, voting at foreign representations, aggregating ballots, determining the results, legal remedy, etc.)
4. **Decrees of the Ministry of the Interior (BM)**, which define the duties of election offices, the samples of printed matters to be used in the election, the rules of using,

checking public funds provided for the purposes of the elections, the terms and deadlines of the elections.

The Constitution of the Republic of Hungary declares that the Republic of Hungary is an independent, democratic constitutional state, in which authority is vested in the people, who exercise the sovereignty of the people through their elected representatives and directly.

## 1.2 Suffrage

In its Chapter XII “Fundamental rights and obligations”, the Constitution defines suffrage as a basic political right.

**All major Hungarian citizens having domicile on the territory of the Republic of Hungary are entitled to the right to elect and to be elected in the election of the Members of Parliament.**

The conditions of the right to elect and the right to stand as a candidate are equal:

- Hungarian citizenship
- being of legal age (having turned 18)
- domicile in Hungary.

Earlier, to exercise the right to vote the law required that the voter should stay on the territory of the country. Pursuant to the present regulation, however, **major Hungarian citizens having domicile in Hungary** may also cast their ballots at the foreign representations of the Republic of Hungary, provided that **on polling day they stay abroad and has previously asked for their being entered in the register at foreign representations.**

Suffrage shall be limited only by the so-called **natural reason for exclusion**. Pursuant to the Constitution those who:

- are under guardianship limiting or excluding ability to act on the grounds of judgment at law,
- are barred from public affairs pursuant to a final court decision,
- serve sentence of confinement,
- undergo compulsory therapy at an institution ruled in criminal procedure
- shall not have suffrage.

## 1.3 The date of the elections

In its Chapter on the Parliament, the Constitution declares that the election of Members of Parliament, except for the election due to the dissolution or dissolving of the Parliament, shall be held in April or May in the fourth year following the election of the previous Parliament. The date of the first and second round shall be set by the President of the Republic.

## 1.4 Basic principles of the elections

The Constitution dedicates a special chapter (XIII) to defining the basic principles of the elections. In this Chapter, it asserts that **Members of Parliament shall be elected by voters on the grounds of universal and equal suffrage by direct and secret ballot.**

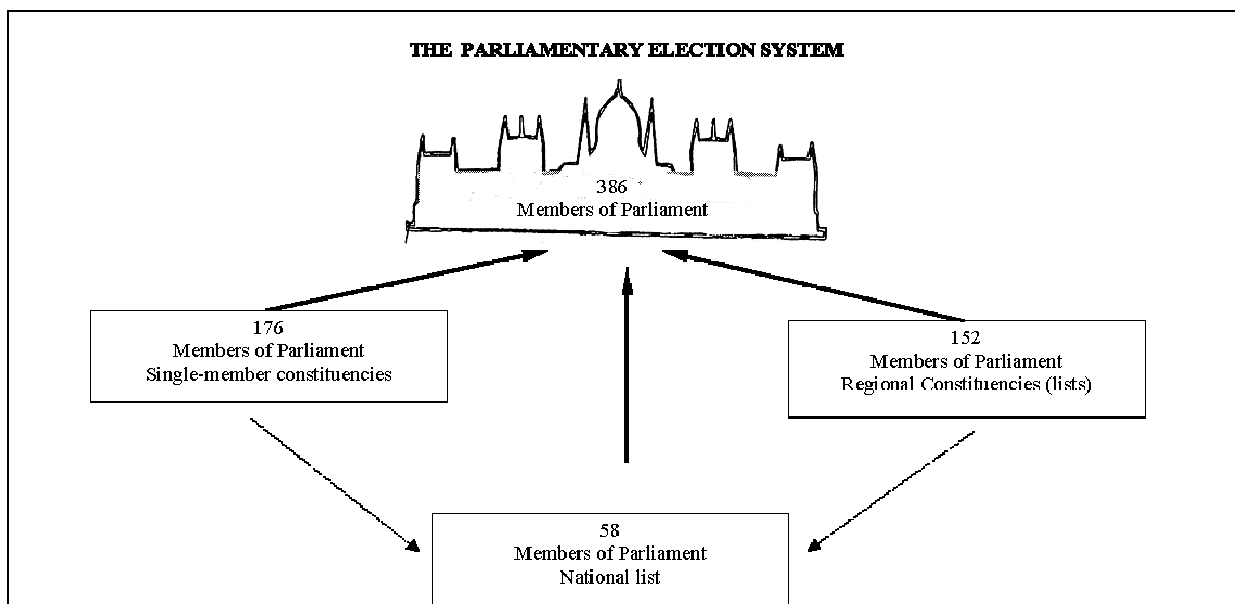


The four basic principles specifically determined by the Constitution, universal and equal suffrage, direct and secret ballot, are the fundamental pillars of the democratic election system, which shall be respected and caused to be respected by each state having a democratic system.

### 1.5 The structure and elements of the election system

The Parliament of Hungary consists of 386 representatives, of whom 176 are elected in single mandate constituencies, 152 on regional lists, and 58 mandates are allocated from national lists.

Accordingly, the Hungarian election system is built up as follows:



- **176 single mandate constituencies:** the territory of the country is divided into 176 single mandate constituencies, one representative from each constituency gets into the Parliament.
- **20 regional constituencies:** the law institutionalises 20 regional constituencies, which cover the territory of 19 counties and the capital city. In these constituencies list elections are held. From regional lists maximum 152 mandates are allocated.
- **National (compensation) list:** From this list minimum 58 mandates are allocated in proportion to the ballots cast on political parties' individual candidates who have not obtained a seat, and ballots cast on their regional lists that have not obtained mandates either (the two jointly: fragmentary votes).

In the mixed election scheme of Hungary two election systems exist side by side: the single mandate constituency election system where ballots may be cast on persons and the candidate that wins the majority of the votes will become the representative, and the proportionate system where ballots are cast on political party lists, and the parties are awarded mandates in proportion to their share of the votes. In addition to the two ways of obtaining mandates, in the third form, in order to reinforce proportionate representation, seats may be filled from national lists on the basis of fragmentary votes. So there are three ways of obtaining

mandates; the law, however, declares that the rights and obligations of representatives are identical, irrespective of the form of their election. Our legal system does not allow the withdrawal of representatives, representatives holding seats in popular representation agencies act on the grounds of free mandates.

Our Electoral Law sets up a fairly strong screening system to ensure that only political forces that indeed have significant social support could get into the Parliament, and this can be followed actually in the staggered structure of nomination.

The **staggered structure of nomination** is shaped as follows:

- Single mandate constituency: 750 proposals
- Regional list: putting forward candidates in minimum one fourth of single mandate constituencies within the regional constituency but at least in 2 single mandate constituencies
- National list: setting up a list in at least 7 regional constituencies

Apparently, the conditions become more and more difficult in each step, which makes it possible that only political forces that indeed have significant social support could get into the popular representation body. To supplement the screening character of the nomination system, as a further criterion the election threshold is introduced regarding the allocation of mandates.

One of the components of the Hungarian election system is the regional list element attempting to attain proportionality, in which 152 mandates are awarded. The Hungarian election system applies a **5% election threshold**. Before allocating the mandates, it is established on the basis of the ballots which are the political parties where the number of ballots cast on their regional lists does not attain 5% of the nationally aggregated number of votes cast on regional lists. These parties shall not be given mandates either from regional lists or from the national list, and accordingly lose their fragmentary votes won in single mandate constituencies too.

## **I. Single mandate constituencies (176)**

Pursuant to the rules of the Vjt, in single mandate constituencies voters and political parties may nominate. So not only party candidates but also independent candidates may measure themselves as candidates in the elections. Candidates may be proposed and nominated by two or more parties jointly too. To be able to stand as a candidate under party banners or as an independent candidate in a single mandate constituency, one must obtain the proposals of at least 750 voters living in the constituency authenticated by their signature.

### **Determining the results**

In the first round of the elections, in single mandate constituencies, the candidate who has won more than half of the valid ballots will be the Member of Parliament, provided that more than half of the voters of the constituency have voted in the election. If there has been no such candidate, a second round must be held.

In the second round, the candidate who has won the most valid votes will be the representative, provided that more than one fourth of the voters of the constituency have cast their ballots in voting.

## **II. Regional list (19 counties and the capital city)**

In regional constituencies, that is, in the capital city and 19 counties, political parties may nominate candidates on regional lists. Regional lists may be set up by parties that have set up a list in one fourth of the single mandate constituencies but minimum in 2 single mandate constituencies within the regional constituency.

**Only political parties are entitled to the right of setting up regional lists.** However, nothing in the law prevents individual candidates from being put on the lists of political parties as parties decide the compilation of the list on their own authority.

The regional list is **a fixed list**, which means that the order of the candidates is determined by the party itself, and when voting on the regional list the voter shall not change the order of the candidates indicated on the list (so preferential voting is not possible).

On the regional list three times as many candidates may be put forward as many mandates can be obtained on the given list. If the number of notified candidates is less than the number of mandates won by the list, the mandates which cannot be awarded will remain unfilled.

### **Allocation of mandates**

As a result of the two-ballot system, voters will vote both on a candidate in the single mandate constituency and on the regional list of the parties having set up a list in the given regional constituency.

Regional mandates will be awarded only to the parties that have complied with the 5% threshold condition. Mandates are allocated in proportion to the ballots cast on the lists of parties, in accordance with the Hagenbach-Bischoff formula, supplemented by the rule of the 2/3 (the largest remainder).

## **III. National list**

Political parties that have set up lists in minimum 7 regional constituencies may field a national list.

On a national list maximum 174 candidates can be put forward, that is, three times as many as many mandates can be obtained from the list.

Regarding nomination, the Vjt. declares that the same person may be a candidate simultaneously in one single mandate constituency, on one regional list and on the national list. If he/she obtains mandate in the single mandate constituency, he/she shall be deleted from the regional and the national list. If the candidate wins the mandate on the regional list, his/her name shall be deleted from the national list.

## Allocation of mandates

The mandates of the national list are allocated in proportion to the **fragmentary votes** of the political parties that have attained the 5%.

The following ballots shall be considered fragmentary votes:

- a) Ballots cast on party candidates in single mandate constituencies in the first valid round of the elections by which no mandate has been obtained in any of the rounds of the elections.
- b) Ballots cast on lists in the regional constituency in a valid round of the elections that have not been enough for obtaining the mandate, or that have exceeded the number of ballots used for obtaining the mandate.

Accordingly, the fragmentary votes of the single mandate constituency candidate and the regional list will be included in the national list set up by the party. Mandates are allocated by using the **D'Hondt method**.

Political parties where the number of valid ballots cast nationally on their regional lists do not exceed 5% will:

- lose their fragmentary votes won in the single mandate constituency,
- not obtain any mandate in the regional constituency,
- not obtain any mandate on the national list.

**To sum up:** it can be said that the Hungarian election system introduced by the Vjt. contains:

- **A majority element:** in single mandate constituencies where ballots are cast on persons and the candidate that has obtained the absolute majority of votes in the first round or has won the relative majority of votes in the second round will win a mandate,
- **A list proportionate element (with 5% election threshold):**
  - In regional constituencies: on regional lists parties obtain mandates on the basis of the quotient determined by the Hagenbach-Bischoff method, and additionally by applying the rule of the largest remainder,
  - On national list: fragmentary votes are allocated with divisor method by the d'Hondt formula.

## 1.6 Key issues of the election system

Act C of 1997 (Ve.) comprehensively regulates the phases of the electoral procedure. The general provisions of the Act and its Chapter XI specifically covering Members of Parliament, which describe special procedural rules regarding the popular representation election, shall be applied in parliamentary elections.

Below, out of the procedural rules here we shall focus primarily on the basic principles of the electoral procedure, the method of voting, the remedial system and election bodies.

The definition of **the basic principles of the electoral procedure** constitutes an important, guarantee element of the Act as these principles ensure the fairness of the election, the enforcement of democratic requirements (Ve. § 3):

- to safeguard the fairness of elections, to prevent electoral frauds;
- voluntary participation in the nomination, election campaign, voting;
- equality of chances among candidates and nominating organisations;
- exercise of rights in good faith, in accordance with rules;
- option and impartial adjudging of legal remedy;
- fast and authentic determination of the results of the elections.

## 1.7 Voting

If they intend to exercise their right to vote, voters may cast their ballots at electoral districts established at settlements. Each voter will be delivered an information notice 58 days before voting, which informs them on the time, date and venue of voting (at which electoral district they can cast their ballots).

Ballots may be cast only personally, on polling day between 6:00 a.m. and 7:00 p.m. at the electoral district of the voter's domicile. Any deviation from this is possible only with a certificate issued in advance pursuant to special rules, or if the voter has asked for being entered in the register at foreign representations pursuant to the provisions set forth in the Act, and will cast their ballot at a foreign representation of the Republic of Hungary indicated by them.

In accordance with the nature of the election system, voters have two votes; firstly, they may vote on the candidate in the single mandate constituency; secondly, on the regional list of political parties. The national list is of a compensatory nature; voters do not directly vote on it.

To conduct voting at the electoral district is the responsibility of the ballot counting committee, who count the ballots and determine the result of the election in the electoral district after closing voting.

## 1.8 Legal remedies

Instead of the former forms of legal remedy, i.e., complaint and reserve, after the amendment of the Act in 2005, those requiring redress may lodge reserves, submit appeals or apply for judicial revision.

**Reserve** is a tool of legal remedy that can be submitted by referring to any violation of the rules of law applying to the election, or the basic principles of the election and the electoral procedure, and may be exercised by anybody.

**Appeals** can be lodged against the election committee's resolution of the first instance by any voter, candidate, nominating organisation or legal person concerned in the case.

It is excluded to lodge appeals against the resolution of election committees acting as a body of the second instance or of the National Election Committee.

**Applications for judicial revision** may be submitted by any voter, candidate, nominating organisation or legal person concerned in the matter against election committees' resolution of the second instance and the resolution of the National Election Committee, by referring to violation of rules of law. No further legal remedy against the decree of the court lies.

In the electoral procedure those concerned usually have a 3-day, exceptionally 1-day, time frame for submitting applications for legal remedy.

Against the election result –in the first and the second electoral round as well – application for legal remedy may only be submitted within a deadline of 1 day.

Rules partly deviating from the general rules are enforced in legal remedies related to the media, the register, the register at foreign representations, voting at foreign representations, and the results of the election.

### **The system of remedial forums**

In the election of Members of Parliament the following election committees act as forums of legal remedy:

Parliamentary single mandate constituency election committee

Regional election committee

The National Election Committee.

In the election of Members of Parliament courts that act as forums of legal remedy are as follows:

Local court (in Budapest the Pest Central District Court) regarding cases related to the register, the register at foreign representations

County (Metropolitan) Court

The Supreme Court

## **1.9 Election bodies**

In parliamentary elections, election committees and election offices are operated as election bodies. Their activity is manifold, their efficient cooperation ensures the smooth running of the elections.

### **1.9.1 Election committees**

Election committees are voters' **independent** bodies subject to nothing but the law, whose prime responsibility is to determine the results of the elections, to ensure the fairness, legality of the elections, to enforce impartiality and, when necessary, to restore the legal order of the elections.

**In the election of Members of Parliament the following election committees are operated:**

- in each electoral district (in approx. 11 000 nationwide) a ballot counting committee (BCC) is operated; at settlements having one constituency the duties of the ballot counting committee is fulfilled by the local election committee (LEC);
- in the 176 single mandate constituencies a parliamentary single mandate constituency election committee is operated (PSCEC);
- in the 20 regional constituencies (19 counties and the capita city) regional election committees are operated (REC, MEC);
- and the National Election Committee with national competence (NEC).

Election committees consist of at least 3 members (and alternate members), who are elected by the body of representatives of local governments at proper level. The five members of the National Election Committee and the necessary number of alternate members are elected by the Parliament, and the Minister of the Interior submits a motion on their person.

### *1.9.2 Delegating members into election committees*

In addition to the elected members, one further member of each election committee is delegated either by the nominating organisation putting forward candidates or setting up a list in the constituency, or by the independent candidate.

A member commissioned pursuant to the above may be delegated:

- to the BCC by nominating organisations putting forward individual candidates, setting up lists, and by independent candidates,
- to the PSCEC by nominating organisations putting forward individual candidates, and by independent candidates,
- to the REC by nominating organisations setting up a regional list in the regional constituency (county),
- to the NEC by nominating organisations setting up a national list.

It is the parties', independent candidates' own interest that they delegate one member to each election body as this way they can personally check, further the legal running of the election, and can actively take part in deciding possible disputes.

The rights and obligations of the elected and delegated members are identical; however, the latter do not receive any fee.

### *1.9.3 Election offices*

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

Except for ballot counting committees, an election office is operated beside each election committee, and at foreign representations. Accordingly, the election offices operated in parliamentary elections are as follows:

- local election office on settlement level,
- parliamentary single mandate constituency election office at the seat of the parliamentary single mandate constituency,
- regional election office in each county and the capital,

- the National Election Office on national level,
- election office at foreign representation at the embassies, consulates general of the Republic of Hungary.

Beside the ballot counting committee, one member of the local election office acts as the keeper of the minutes.

### **Election offices operated on the territory of Hungary**

The head of the National Election Office is delegated by the Minister of the Interior for an indefinite term. The head of the local and the parliamentary single mandate constituency election office is the clerk; the head of the regional election office is the county/capital-clerk.

### **Members of the election office**

Only public officials and civil servants may be appointed to the election office as members.

The members of the election office are delegated by the head of the election office, the head and members of the National Election Office by the Minister of the Interior for an indefinite period.

### **The legal status, controlling the activity of election offices**

The professional activity of election offices is controlled by the Minister of the Interior through the head of the National Election Office.

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

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

### **The responsibilities of the election office**

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

### **Election offices operated at foreign representations**

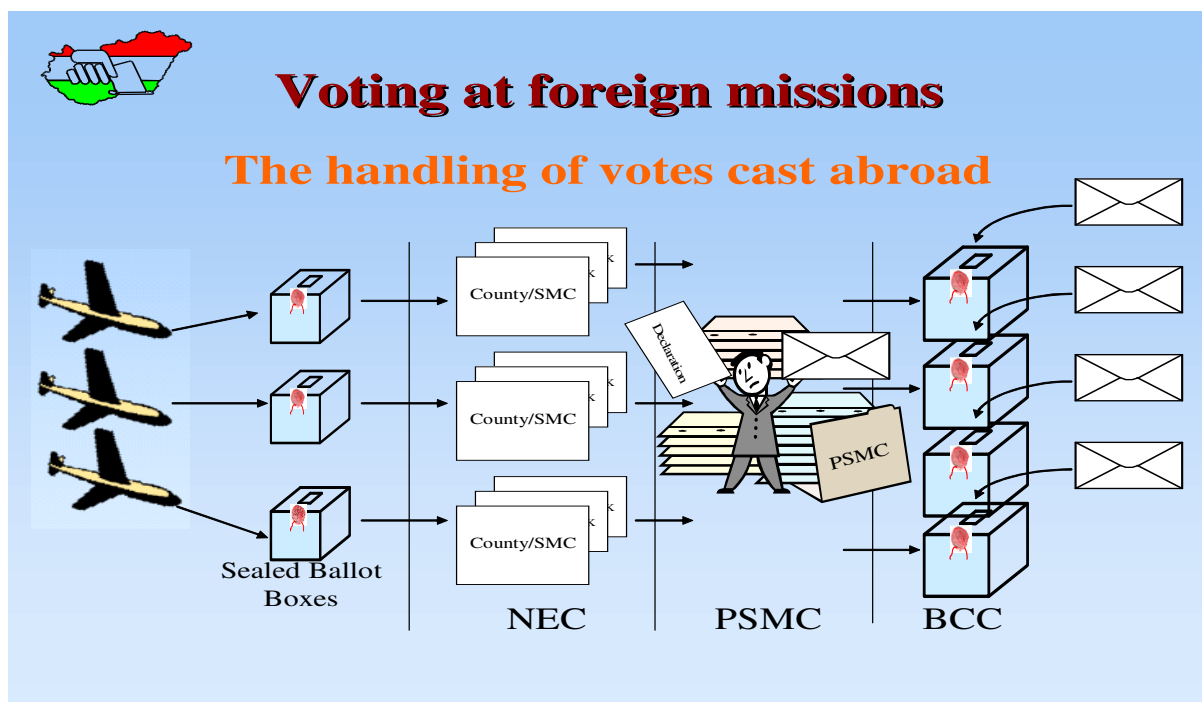


In parliamentary elections, election offices operated at the foreign representations of the Republic of Hungary (hereinafter referred to as FREO) ensure the right to cast their ballot of voters staying abroad. In accordance with the Ve., foreign representation means the embassies and consulates general of the Republic of Hungary.

The head and members of the election office at a foreign representation is delegated by the head of the NEC.

In contrast to voting in Hungary, no election committees are operated at foreign representations; the ballots are not counted, only the technical conducting of voting is carried out at foreign representations.

*The foreign representation election office fulfils the duties of the polling-station committees: prints out the register of voters voting in the embassy/consulate general, prints out the appropriate ballott papers, supervises the polling-station, conducts the process of voting, ensures the legitimacy of the voting and handles the occurent electoral disputes. However, the FREO does not carry out vote-counting tasks. Right after the closing of voting, it forwards the sealed ballot boxes to the National Election Office. The National Election Committee carries out the opening of the ballot boxes arriving from the embassies/consulates, and the unopened envelopes containing the votes are then sorted by single-member constituencies and forwarded to the Single-member Constituency Committees. In each single-member constituency, one polling-station is assigned to receive the votes arriving from abroad (cast by the voters of the constituency staying abroad), and those ballot-papers are counted together with the votes cast in the polling-station on the day of in-country voting in the first-round and 6 days after the day of voting in the second round.*



The activity of election offices at foreign representations is of a special kind to the extent that although they perform only a part of the responsibilities of election offices operated in Hungary, but due to the location of foreign representations they need to fulfil further, peculiar tasks. The FREO performs these tasks in close cooperation with the National Election Office.



## **2. The information technology system supporting the election**

The solution used in developing systems and the proper infrastructural background jointly ensure that election systems can be operated under safe working conditions, in an environment with suitable protection and required accessories.

Below you will find the description of the key functions of the information technology systems supporting the election. In addition to the systems described, several other smaller systems are operated and ensure the satisfaction of information, administrative and other special needs such as the program supporting system of public service televisions, the election history data base, the logistics system, the financial information system and the administration system.

### **2.1 The system for setting up constituencies, generating and maintaining the register of voters and handling the registration of major citizens disfranchised**

After the call for the election, on the basis of the data of the Particulars and Address Register (PAR) and the register of major citizens disfranchised (RMCD) the register of voters having right to vote is produced split per electoral districts, and is continuously updated after that.

The system allows that the register of voters can be updated with the data of citizens who become of legal age by the second round of the elections.

The register completed can be bought by those announcing their candidacy at the elections

### **2.2 The system checking the process of proposing candidates**

The system checking the process of proposing candidates records the data of the proposal coupons submitted by candidates, and checks them with a computer supported method. Data are checked; the data of the PAR and the RMCD are directly accessed through the widened network of the document system. The system provides the checklists and statistical data necessary for the decisions made by election committees..

### **2.3 The system for preparing the elections and the system for supporting the sending and receiving of data to and from the printing house**

The registration of the data of independent candidates, political parties and lists put up for the elections in the central data base is the responsibility of the Election Preparation System (EPS).

Furthermore, the EPS supplies up-to-date data to election bodies; hands over data to the Information System; produces statistical statements and ad hoc data supplies; and maintains the register of voters who vote at foreign representations. It supplies data to the National Election Committee (NEC) and the Ministry of Finance for fulfilling the responsibilities related to the financial support of political parties and independent candidates.

In the period of putting forward candidates, it follows up completions, legal remedies, and supports the checking of data.

After the process of proposing candidates has been closed, it delivers the data necessary for producing ballot papers in a closed operational system to the printing houses.

The computerised system electronically forwards the image of ballot papers to election committees for approval, and provides data for forming the basis of the ballot aggregating database.

The EPS forwards registers at foreign representations and the image of ballot papers to foreign representations, which are printed locally by the foreign representations.

## **2.4 The preliminary vote aggregating system**

In electoral districts, data sheets drawn up of the first counting are forwarded to the local election office where they are immediately processed. Accordingly, national records will be soon available at the Election Centre. The vote aggregating system assesses the results of the election, and delivers them in every 3-5 minutes to the information system. In view of the fact that data sheets are drawn up before the decision of the ballot counting committee, they can still include ballots contested by the committee. The results so produced are not official; they should be handled as preliminary informative records.

Of the preliminary results a fast publication in 4+1 languages is made; also these data will be available on CD on the day after the election. The preliminary vote aggregating system also produces the report of the National Election Office from its database.

## **2.5 The final vote aggregating system**

The information system plays a role in fulfilling administration tasks preceding election committees' decisions to determine the result. It processes electoral district minutes; after that they are compared item by item with the records entered in the computer. The information system follows up remedial events; supplies data for determining the % limits of regional lists; carries out calculations necessary for allocating mandates; and delivers all this to the election committees.

## **2.6 The system signalling the probability of election delicts**

In addition to statistical analyses, the system records the data of those voting with a certificate, and the data of the issuance of the certificates. By checking and comparing the data recorded it is possible to detect frauds that might be committed.

## **2.7 The information system**

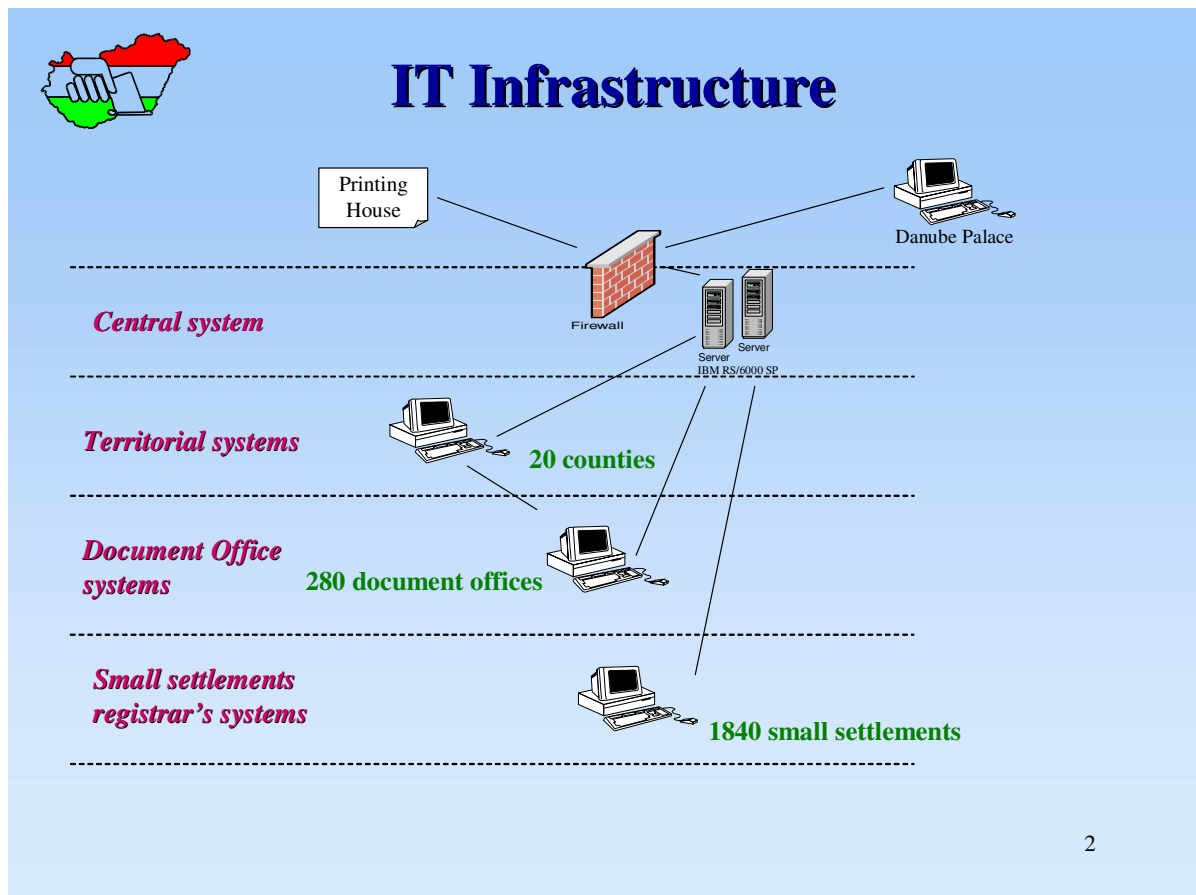
During the entire process of the election, in the format, with the content and frequency corresponding with each phase and event, the information system provides election bodies, citizens, the media and the political parties with information through intranet and/or Internet access by delivering standard data stocks.

On the days preceding and following the rounds of the election, the system operated at the Duna Palace of the Ministry of the Interior makes it possible for inquirers from the country and abroad, the representatives of the media and political parties to collect information personally, also helped by the intranet/Internet based projection version of the information system.

## 2.8 The Election Administration System

The Election Administration System (EAS) serves to fulfil, organise election related administrative tasks, to conduct communication between election bodies by using state-of-the-art information technology tools and the possibilities provided by the closed computer network built between document offices. As a result of what has been described above, no other than computers and users having been given entitlement to use them are able to register with the system and use it.

The prime aim of the system is to operate the IT communication channel between national, regional and local election bodies. This channel offers those registered the option of **electronic correspondence** and of a so-called **forum**, which allows similarly to message boards that comments, opinions, requests for help can be made and displayed.





### **3. The role of the media**

Once the date of the election of Members of Parliament has been set, the period of the election campaign officially commences. During elections the value of the role of the media necessarily increases, although its weight is usually outstanding regarding parliamentary elections. Modern election campaigns are primarily media campaigns since it is the media from which the decisive majority of voters get information on the programs of political parties competing with each other, and on election related events in general. In our time the electronic media has also a favoured role, leading to new expectations in line with its special character.

The character, nature of the election campaign depends to a large extent on the role played, the attitude maintained by the media in the campaign. In each election campaign, the National Election Office makes every effort to attain as smooth and efficient cooperation with the media, the electronic and printed media as possible. Due to the fact that in the process of informing voters the media is used also by the election administration as a medium, the development of a balanced relation can be of paramount importance (also on local level).

The role of the media in the elections is double:

- it provides information on the election in general free from any party bias; delivers information to voters necessary for exercising suffrage, on the one hand;
- it satisfies political parties' campaign targeted claims and publishes political program items, on the other.

To further the attainment of the first aspect, the National Election Office holds a preparatory training course for the representatives of the media before each election. This training primarily helps journalists and the representatives of various media to have up-to-date information on the legal environment and effective system of the election, and serves to ensure continuous relation between the election administration and the media. On a certain regular basis, in the key phases of the electoral procedure, press conferences are held where the head of the National Election Office informs the media on the progress, status of preparatory actions, nomination and later on the results of the election.

During the past elections, the relation between the election administration and the media has been favourable. Election offices make every effort to establish relations and cooperate with the media of the proper level in order to ensure that on polling day approx. 8 million sufficiently informed voters could appear at the ballot-boxes.





#### **4. The role of the political parties and the system of campaign financing**

The Hungarian parliamentary election system is strongly party-centred, which becomes immediately apparent if we study the nomination screening system. Setting the regional lists and national lists is the privilege of political parties.

This kind of structure of the election system is the consequence of the constitutional interpretation of the term „party”. As a result of the provisions of the constitution and legal regulation, compared to other organisations established on the grounds of the freedom of association, parties are given surplus entitlements and are bound to fulfil special obligations. „Parties take part in shaping and manifesting the will of the people” (Section § 3 (2) of the Const.). The constitution expressly implements a multi-party system and parliamentary democracy in which parties must be expressly present in the Parliament; and it stipulates duties to be fulfilled by the parliamentary representative groups of parties and the heads thereof indispensable for the operation of the democratic institution system. This role basically differentiates parties from other nongovernmental organisations. Besides, the Political Party Act provides for a “sanction” form of the cessation of parties: if a party does not put forward candidates in two consecutive general parliamentary elections, at the motion of the state attorney’s office the court will establish the cessation of the party.

##### **The system of campaign financing**

Until 1997, regarding campaign financing the Electoral Law Act required of the parties and candidates nothing more than that they should publish their costs spent on the election campaign and the resources providing the funds thereof in an aggregated report.

The rules of campaign financing was defined in Act C of 1997 on Electoral Procedure; currently, the rules of campaign financing are as follows:

##### **a) Direct state support**

Each nominating organisation that puts forward candidates in elections is entitled to budgetary support in proportion to putting forward candidates. Independent candidates are entitled to budgetary support equal to the support received by the candidates of nominating organisations.

The amount of funds that can be spent on budgetary support is determined by the Parliament; and the support per candidate is determined pursuant to special rules: the number of candidates in single mandate constituencies, the number of candidates equal to the maximum number of mandates that can be obtained by each party on regional lists, and maximum 58 candidates for each party on national lists can be taken into account. Candidates put forward in all three “categories” must be considered in accordance with the number of nominations.

The allocation of the budgetary support are implemented to nominating organisations in one amount, to independent candidates per person by the Ministry of Finance (or the financial institution designated by it).

The amount allocated from the budget serves to cover only material costs, and must be accounted for in 30 days after the elections at the point of payment.

### **b) Indirect state support for the election campaign**

The Act on Electoral Procedure makes it possible for political parties and candidates to obtain free program time for publishing their campaign targeted advertisements. The regulation is as follows:

- national public service program providers must publish the political advertisements of nominating organisations putting forward national lists,
- regional public service program providers must publish the political advertisements of nominating organisations putting forward regional lists in their region of reception,
- local public service program providers must publish the political advertisements of candidates announcing themselves in single mandate constituencies in their region of reception

from the 18<sup>th</sup> day preceding the elections the latest until the 3<sup>rd</sup> day before the elections, at least once, free of charge. Likewise, on the last day of the election campaign they are obliged to publish these advertisements once more free of charge.

### **c) The limitation of campaign expenses**

The Act on Electoral Procedure prescribes that in addition to the support granted directly from the budget, maximum 1 million HUF per candidate may be spent on the election campaign.

Regarding political parties, the national limit can be calculated from this the way defined in clause a). The violation of this rule a financial sanction is attached, which sets forth that the nominating organisation or independent candidate infringing the expense limit is obliged to pay the double amount of the value by which they have exceeded the defined limit, in 15 days to the central budget. In case of delay, the debt must be collected as tax.

In this respect special attention should be paid to the provision of the Act that sets forth that the amount coming in this way must be used for preparing first-time voters.

### **d) Obligation to report and checking**

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

Checking is performed by the State Audit Office, which:

- **will ex officio check** the utilisation of the assets and their resources of the parties and independent candidates that have got into the Parliament, within one year after the second round of the elections; and
- **will act on request** regarding other nominating organisations and independent candidates. Applications may be submitted by other nominating organisations and independent candidates within 3 months following the second round of the election.

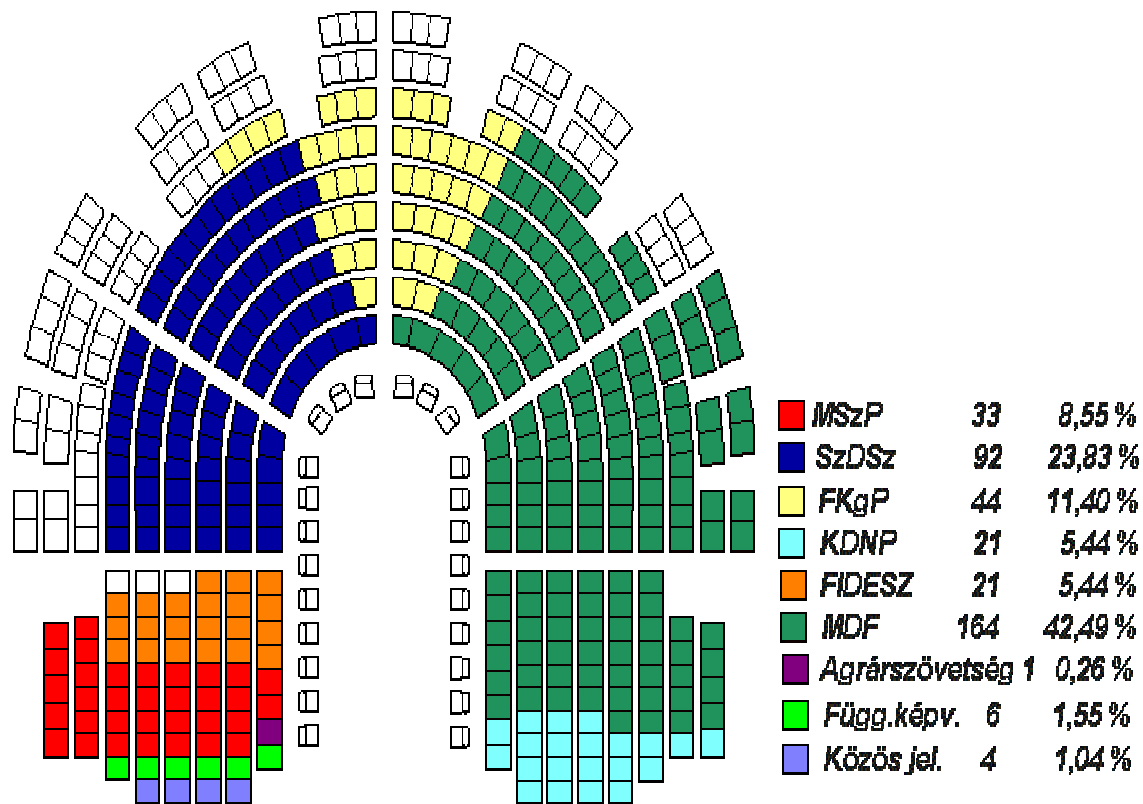
Accordingly, the Act does not stipulate strict sanctions regarding campaign financing since failure to publish the report does not lead to any legal consequences either. The entitlements of the State Audit Office are also weak; the only thing it can do is publish its findings and comments in the form of a report.

In the above we intended to provide the reader with a substantive summary on our parliamentary election system, however, it is almost impossible to cover every aspect of it in the framework of this very publication. We kindly suggest that, should you need any further information on this issue, you may visit the website of the National Election Office, where materials concerning the forthcoming and already conducted elections and referenda are accessible in English ([www.valasztas.hu](http://www.valasztas.hu) or [www.election.hu](http://www.election.hu)).



## 5. The official final results of the parliamentary elections held so far

The distribution of mandates won in 1990 per parties



Name of parties	In single mandate constituencies	On regional lists	On national list	Total mandates	
				number	distribution
Total	176	120	90	386	100 %
MDF	114	40	10	164	42.49 %
SZDSZ	35	34	23	92	23.83 %
FKgP	11	16	17	44	11.40 %
MSZP	1	14	18	33	8.55 %
FIDESZ	1	8	12	21	5.44 %
KDNP	3	8	10	21	5.44 %
Agrárszövetség	1			1	0.26 %
Independent MPs	6			6	1.55 %
Joint candidates	4			4	1.04 %

### Political Parties:

MDF-Hungarian Democratic Forum

SZDSZ- Alliance of Free Democrats

FKgP- Party of Independent Smallholders

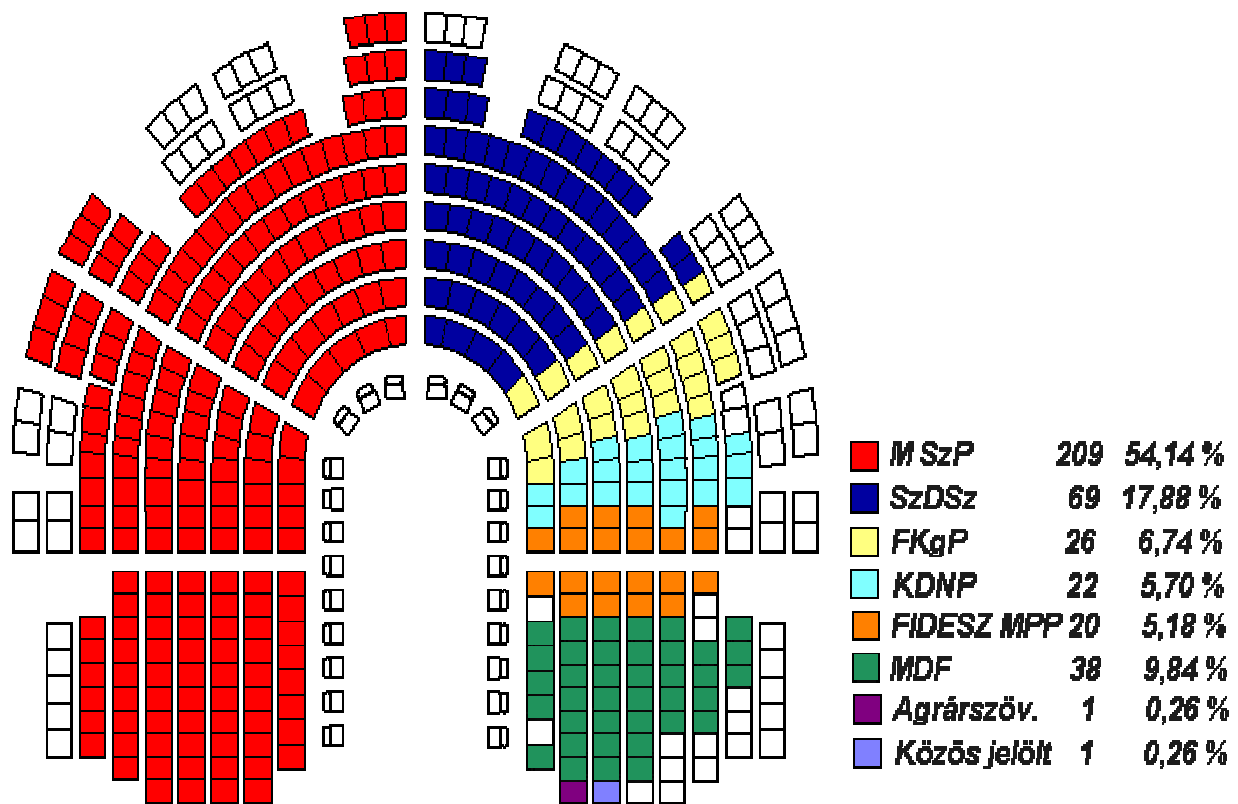
MSZP- Hungarian Socialist Party

FIDESZ- Alliance of Young Democrats

KDNP- Christian Democratic Party of the People

Agrárszövetség- Agrarian Alliance

### The distribution of mandates won in 1994 per parties



Name of parties	In single mandate constituencies	On regional lists	On national list	Total mandates	
				number	distribution
<b>Total</b>	<b>176</b>	<b>125</b>	<b>85</b>	<b>386</b>	<b>100 %</b>
<b>MSZP</b>	<b>149</b>	<b>53</b>	<b>7</b>	<b>209</b>	<b>54.14 %</b>
<b>SZDSZ</b>	<b>17</b>	<b>28</b>	<b>25</b>	<b>69</b>	<b>17.88 %</b>
<b>MDF</b>	<b>4</b>	<b>18</b>	<b>15</b>	<b>38</b>	<b>9.84 %</b>
<b>FKgP</b>	<b>1</b>	<b>14</b>	<b>11</b>	<b>26</b>	<b>6.74 %</b>
<b>KDNP</b>	<b>3</b>	<b>5</b>	<b>14</b>	<b>22</b>	<b>5.70 %</b>
<b>FIDESZ</b>		<b>7</b>	<b>13</b>	<b>20</b>	<b>5.18 %</b>
<b>Agrárszövetség</b>	<b>1</b>			<b>1</b>	<b>0.26 %</b>
<b>Joint candidates</b>	<b>1</b>			<b>1</b>	<b>0.26 %</b>

#### Political Parties:

MSZP- Hungarian Socialist Party

SZDSZ- Alliance of Free Democrats

MDF- Hungarian Democratic Forum

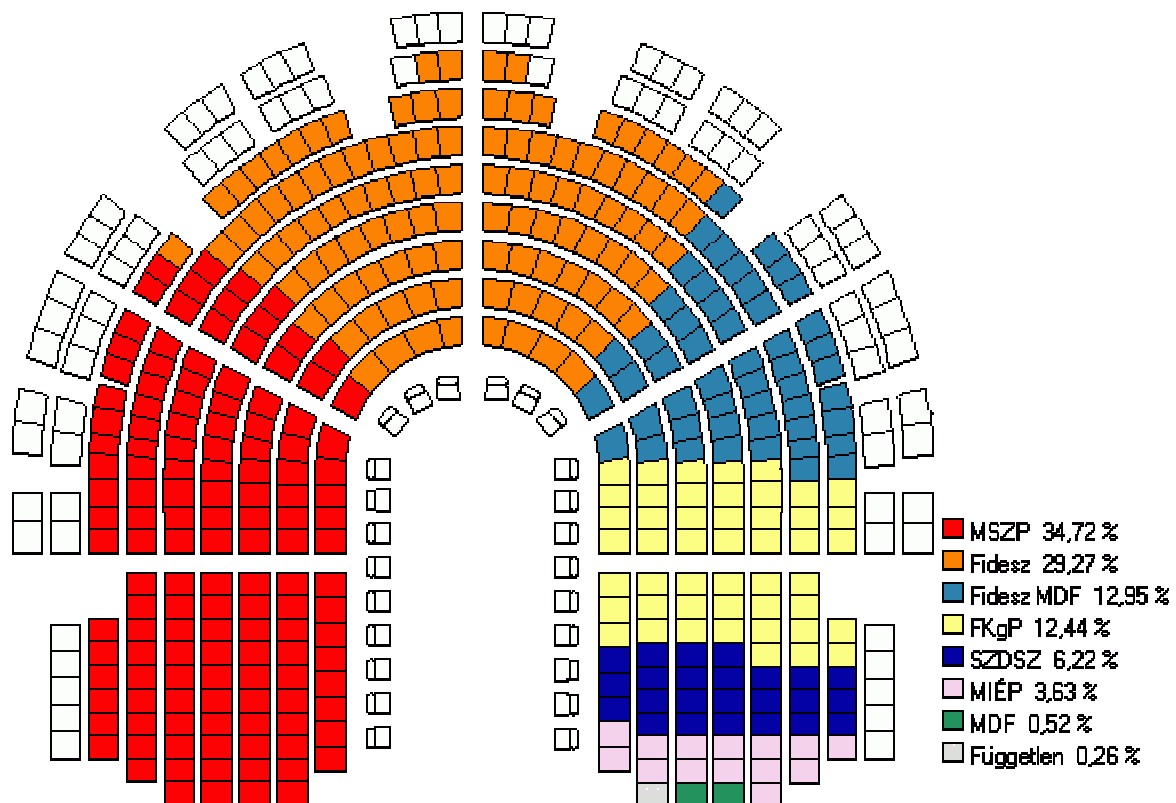
FKgP- Independent Smallholders' Party

KDNP- Christian Democratic Party of the People

FIDESZ- Alliance of Young Democrats

Agrárszövetség- Agrarian Alliance

The distribution of mandates won in 1998 per parties

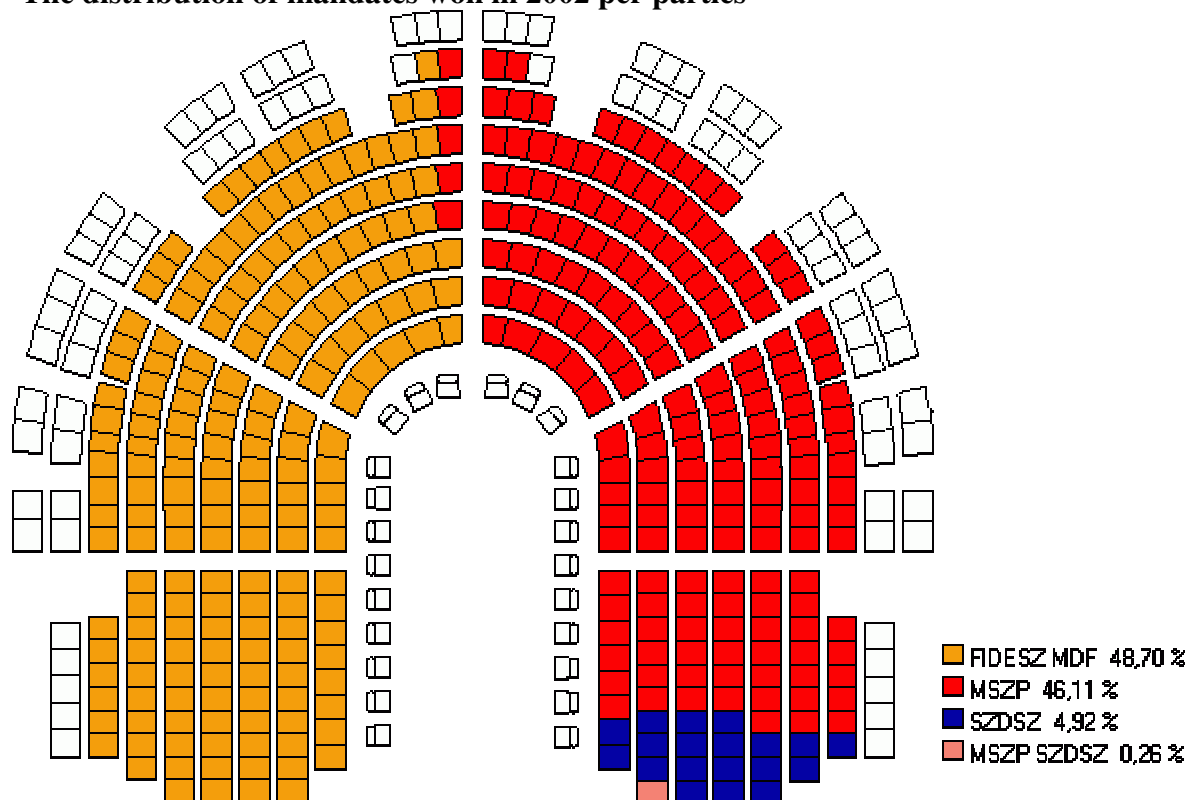


Name of parties	In single mandate constituencies	On regional lists	On national list	Total mandates	
				number	distribution
Összesen	176	128	82	386	100 %
Fidesz	55	48	10	113	29.27 %
Fidesz-MDF	35	0	0	35	9.07 %
MDF-Fidesz	15	0	0	15	3.89 %
FKgP	12	22	14	48	12.43 %
MIÉP	0	3	11	14	3.63 %
MSZP	54	50	30	134	34.71 %
MDF	2	0	0	2	0.52 %
SZDSZ	2	5	17	24	6.22 %
Independent MPs	1	0	0	1	0.26 %

**Political parties:**

FIDESZ- Alliance of Young Democrats  
MDF- Hungarian Democratic Forum  
FKgP- Independent Smallholders' Party  
MIÉP- Hungarian Truth and Life Party  
MSZP- Hungarian Socialist Party  
SZDSZ- Alliance of Free Democrats

### The distribution of mandates won in 2002 per parties



The number of seats of MPs: 386

<i>Parties</i>	In single mandate constituen cies	On regional lists	On national list	Total	Proportion of parliamen- tary mandates
FIDESZ MDF	95	67	26	188	48.70%
MSZP SZDSZ	1			1	0.26%
MSZP	78	69	31	178	46.11%
SZDSZ	2	4	13	19	4.92%
Total	176	140	70	386	100.00%

### Political parties

FIDESZ- Alliance of Young Democrats

MDF- Hungarian Democratic Forum

MSZP- Hungarian Socialist Party

SZDSZ- Alliance of Free Democrats



## **6. Useful Information**

The VISZ (EIS) is an election information service operated by the National Election Office. Its role is to provide the electorate, the nominating organisations or those people from Hungary or abroad, who would like to know more about elections with legal information, and give advice in any matter that is related to elections in Hungary. To give as detailed and widespread information as possible the local and regional election offices run such information services as well. Their address is identical with the address of the given mayor's office or with the address of the county assembly's office

### **Access to the Election Information Service:**

#### ***Personally:***

BM Duna Palota (Budapest, V. ker, Zrínyi u.5).

Opening Hours: Monday to Thursday 08.30 am – 16.30 pm,

Fridays 08.30 am – 14.00 pm

#### ***By Mail:***

OVI VISZ 1450 Budapest, PO Box. 81

#### ***By phone:***

+(36 1) 266-1200;

#### ***By Fax:***

+(36 1) 332-6337

#### ***E-mail:***

visz@mail.ahiv.hu

### **Election Internet**

[www.valasztas.hu](http://www.valasztas.hu)

[www.election.hu](http://www.election.hu)

### **National Election Committee**

1450 Budapest PO Box: 81

Fax: +(36 1) 456-6519



## **7. The National Election Centre**



### **1. Briefly about the building**

The Ministry of the Interior's Danube Palace is located in Budapest at Zrinyi Street No 5 in the Fifth District. This noble building with the size of 352 square meters was designed by Vilmos Freud and built with the guidance of Géza Márkus in the neobaroque style. It was built for the Lipotvaros Casino Association with the aim to provide maximum comfort to meet the high demands of its members in the manner of a traditional english club. The club opened finally in 1877 as the Lipotvaros Casino of Budapest. This role remained from 1897 to 1945 and served afterwards under the name Frum Club as a meeting point for poets, writers and artists until 1948.

In 1951 the building became the property of the Ministry of the Interior as a Culture House which opened its gates to the public in 1991 and awaits its visitors with a wide range of cultural and entertainment programs ever since.

### **2. The Services of the National Election Centre**

Again in 2006 the Danube Palace will be converted to the National Election Centre during the parliamentary elections and will serve as the headquarters of the National Election Committee and the National Election Office.

The National Election Office opens its gates to the public on the 9th of April 2006. During the elections and the days prior to that the Election Information Service (domestic toll-free-number: 06-80-20-40-16), the National Election Office, the National Election Committee and the international press centre will hold seat in the building. Both the NEC and the NEO welcome the representatives of the domestic and foreign press, the international observers and anyone interested in elections at this location.

On the day of the elections more than 30 computer terminals will be accessible to our guests with continously updated data on overall participation level and the actual process of vote aggregation. The terminals will display the shaping of the turnout (updated many times a day), data on the nominees and nominating organizations and of course the actual level of vote aggregation.



In the Election Centre the press representation of the Hungarian News Agency Corporation, the press service, international telephone centre, Internet service, restaurant and caffè are functioning during the elections.

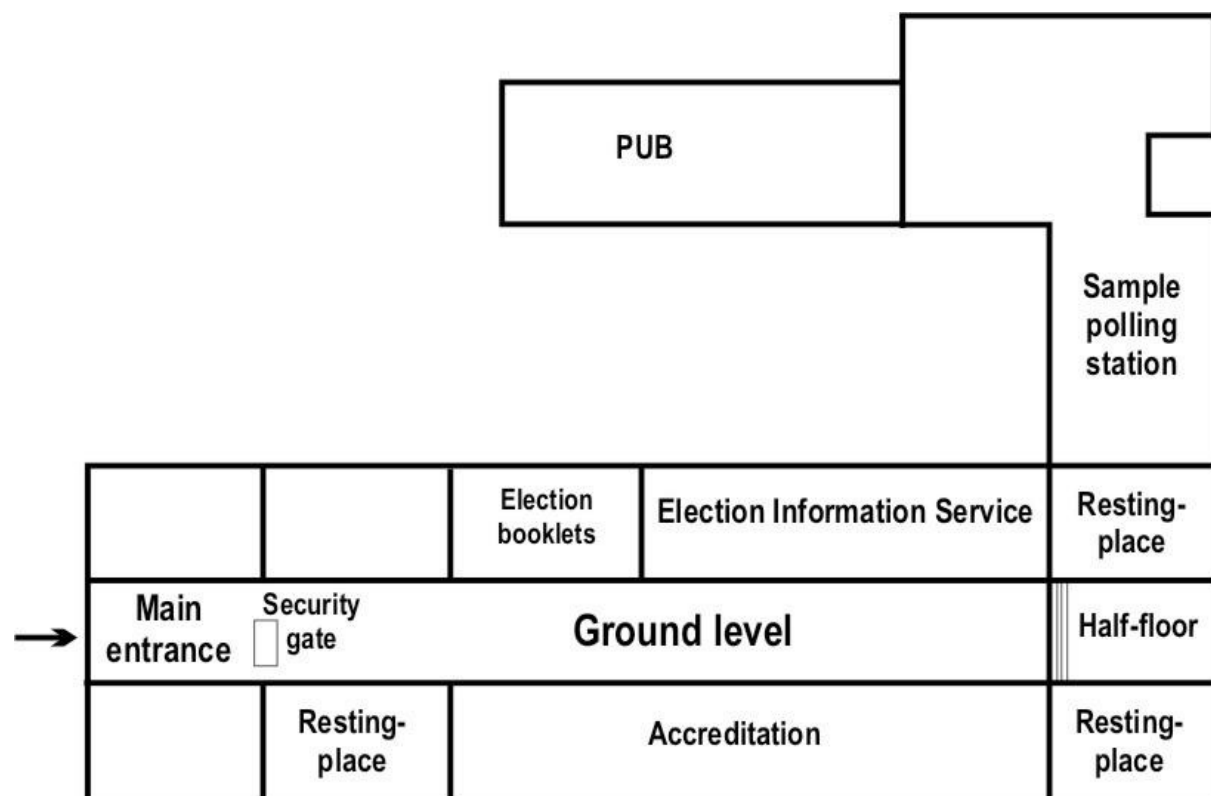
In order to enter the National Election centre accreditation is required. Only those who were supplied with an accreditation card by the National Election Office may enter the building. The accreditation card can be requested in advance, or two days prior to the day of the election and on the polling day on site as well.

### **3. Major events in the National Election Centre**

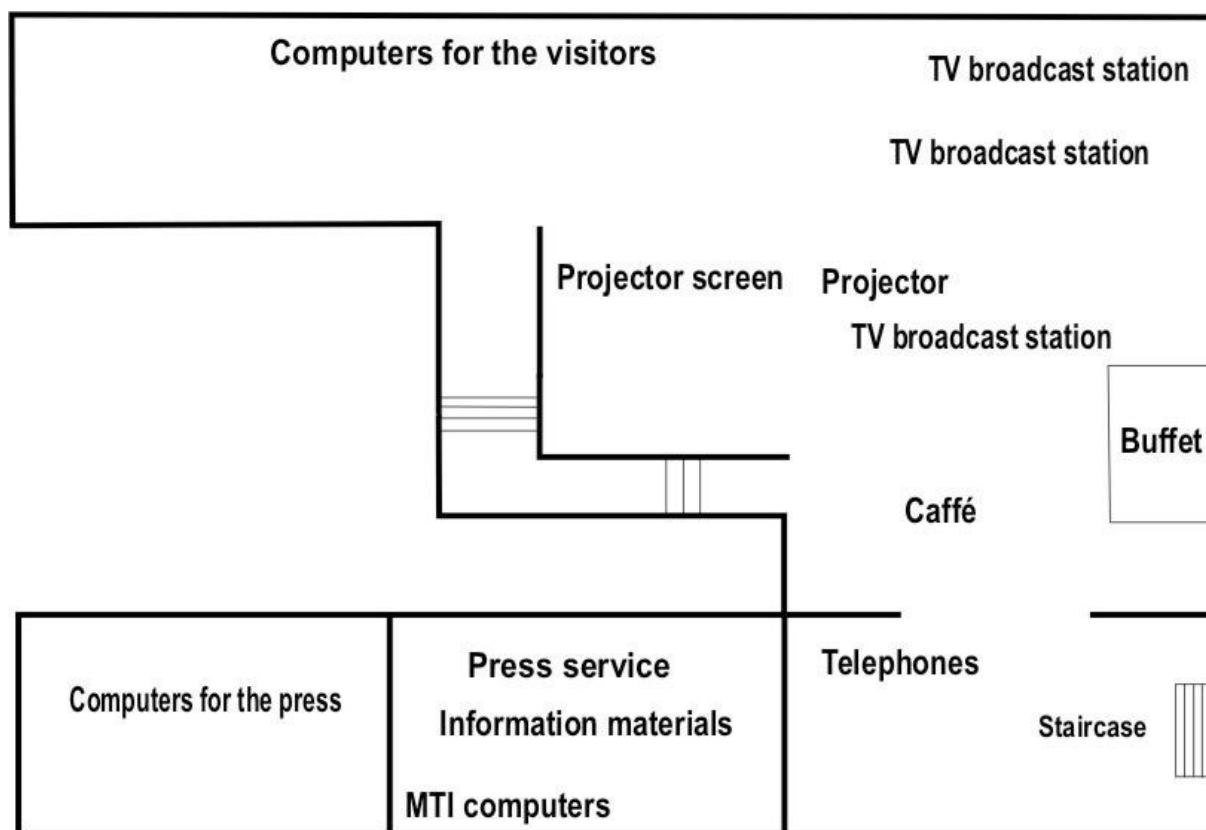
In the form of an international press conference at 12.00 on the 8<sup>th</sup> and 22<sup>nd</sup> (Saturday) of April 2006, the representatives of the National Election Committee and the National Election Office will report on the most important information concerning the parliamentary elections, and the National Election Centre will be introduced for our international guests.

#### 4. Arrangement of the Danube Palace

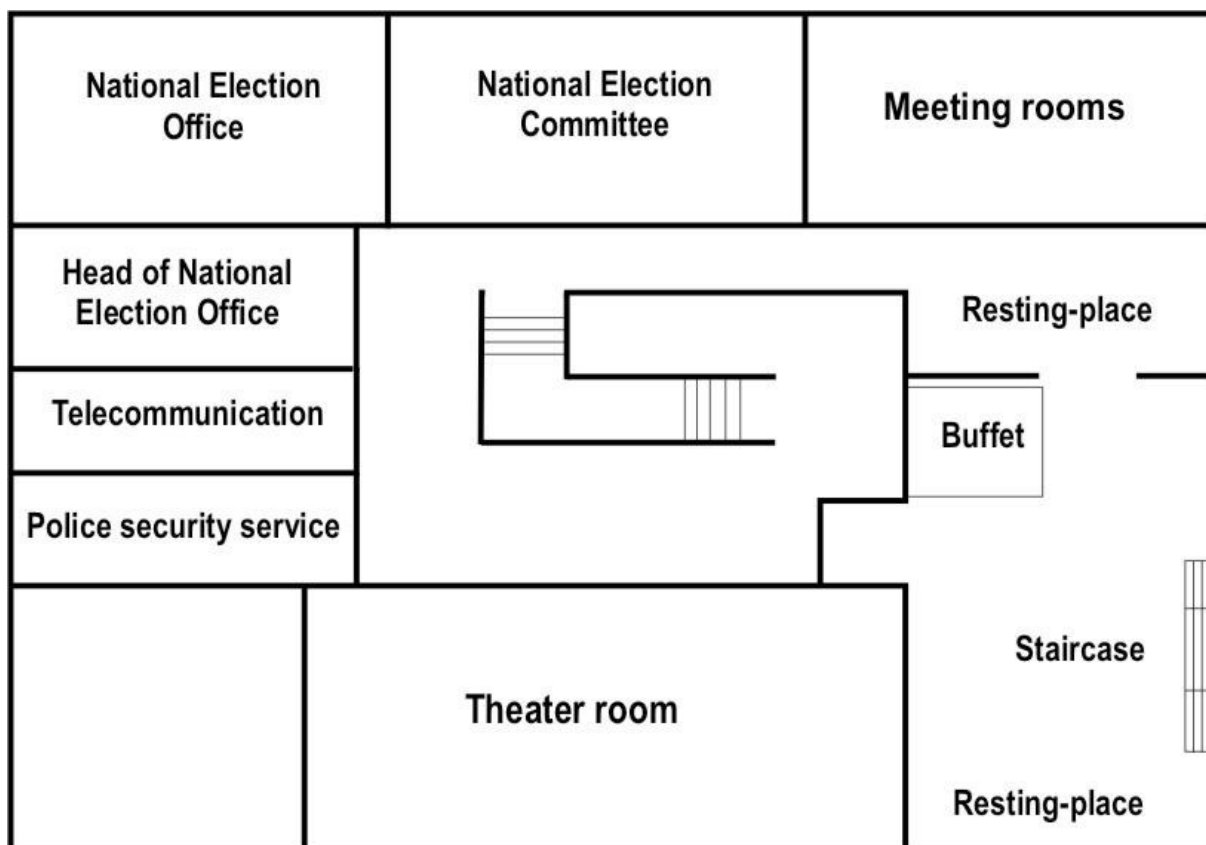
##### Ground floor



## First floor



## Second floor



## Annexes

Title
<i>Annex No 1.</i> – Public Announcement
<i>Annex No 2.</i> – Members of the National Election Committee
<i>Annex No 3.</i> – Members of the National Election Office
<i>Annex No 4.</i> – The Regional Election Offices
<i>Annex No 5.</i> – Distribution of Seats

# HIRDETMÉNY

A MAGYAR KÖZTÁRSASÁG ELNÖKE KITŰZTE

**AZ ORSZÁGGYŰLÉSI KÉPVISELŐK  
2006. ÉVI ÁLTALÁNOS VÁLASZTÁSÁT**

AZ ELSŐ FORDULÓ NAPJA:

**2006. ÁPRILIS 9. VASÁRNAP**

A MÁSODIK FORDULÓ NAPJA:

**2006. ÁPRILIS 23. VASÁRNAP**

**A SZAVAZÁS 6.00 ÓRÁTÓL 19.00 ÓRÁIG TART.**

## **A VÁLASZTÓI NÉVJEGYZÉK**

A választópolgárok a névjegyzékbe történt felvételükről  
**2006. február 10-ig** kapnak értesítést.

A névjegyzék **2006. február 8-tól február 15-ig** tekinthető meg  
a Polgármesteri Hivatalban.

## **AJÁNLÁS**

A választáson **jelöltet ajánlani 2006. március 17-ig** ajánlószelvényen lehet.

A jelöléshez **legalább 750 választópolgár érvényes ajánlása** szükséges.

## **A SZAVAZÁS**

A választópolgár **személyesen, lakóhelyén** szavazhat.

**A szavazás napján lakóhelyétől távol lévő választópolgár** belföldön igazolással,  
külföldön a Magyar Köztársaság nagykövetségein és főkonzulátusain adhatja le szavazatát.

**Igazolás** kiadását ajánlott levélben **2006. április 4-ig**,  
személyesen vagy meghatalmazott útján **2006. április 7-én 16.00 óráig**,  
a **külképviseleti névjegyzékbe** való felvételt **2006. március 17-én 16.00 óráig**  
lehet kérni a lakóhely szerint illetékes jegyzőtől.

**Szavazni** egy egyéni választókerületi jelöltre és egy területi listára lehet.

Részletes tájékoztatásért a polgármesteri hivatalban a választási irodához lehet fordulni.

Választási Iroda



## **The members of the National Election Committee**



Dr. Péter Szigeti (head)

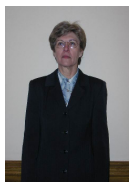
Professor and head of the Department of Theory of Law at the Széchenyi István University in Győr



Dr. Gábor Halmai (deputy head)

Professor and head of the Department of Constitutional Law and Political Sciences at the Széchenyi István University in Győr

### **Members:**



Dr. Marianna Fazekas

Professor and head of the Department of Administrative Law at the Eötvös Loránd University



Dr. Imre Ivancsics

Associate Professor at the Department of Administrative and Fiscal Law at the University of Sciences in Pécs



Dr. Miklós Molnár

Professor at the Department of Administrative Law at the Péter Pázmány Catholic University

### **Substitute Members:**

Dr. Károly Tóth

Associate Professor at the Department of Constitutional Law at the Attila József University in Szeged

Dr. Zoltán Beregi

Attorney at Law

## Members of the National Election Office

**Emília Rytók**

*Head of the National Election Office*

Dr. Zsuzsanna Luczai - *deputy head for legal affairs*

Deményné Krisztina Kertész - *deputy head for IT*

Péter Pessek - *deputy head for finance*

András Pál Zubor *deputy head for organization and communication*

Andrejkovicsné Erika Rexeiser

Zsuzsanna Bárány

Ferenc Báthi

Dr. Éva Becht

Dr. Zsolt Berta

Zoltán Bodóczy

Dr. Andrea Bősze

András Cziffra

Judit Drozdják

Dr. László Erdélyi

Ildikó Farkas

Lajos Farkas

Katalin Ferencsik

Balázs Fügi

Tamásné Grúber

Gabriella Győri

Dr. Andrea Hackspacher

Zoltán Illés

Csaba Kis

Dr. József Kóbor

Edit Kovács

Dr. Ilona Mándi

Sándorné Matus

Dr. Krisztina Medve

Gyula Merényi

Mónika Nyakas

Csilla Pöhlös

Pál Sarkadi

Sárkányné Jolán Kapitány

Dr. Krisztián Szegedi

Antalné Tóth

András Vajnági

Dr. Tamás Vannay-Skody

János Varga

Virtyóné Éva Barta

Dr. Klára Csányi

Csilla Csók

Martosné dr. Piroska Eck

Ildikó Váradi

István Benkő

István Csonka

Dr. Éva Nagy

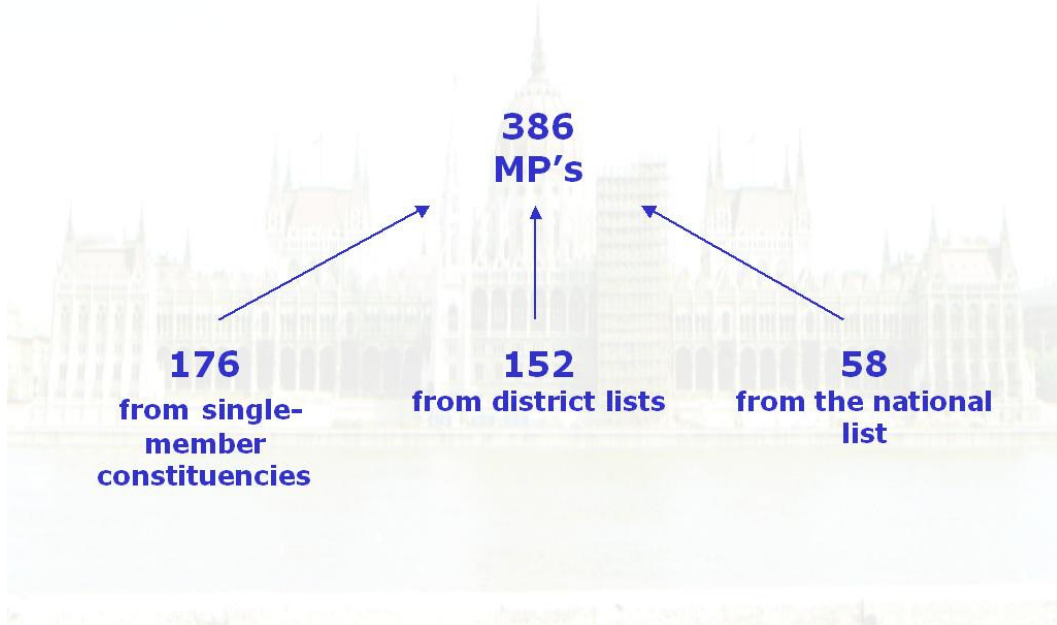
Lászlóné Kalmár

## LIST OF THE HEADS OF THE REGIONAL ELECTION OFFICES

<i>Head of the REO</i>	<i>Hedaquarter of the REO</i>	<i>Telephone</i>	<i>Fax</i>
Dr. István Ferenczi	Assembly of Bács–Kiskun County 6000 Kecskemét, Deák Ferenc tér 3.	76-513-830	76-513-831
Ilona Lászlóné Dr. Kovács	Assembly of Baranya County 7621 Pécs, Széchenyi tér 9.	72-500-409	72-500-469
Dr. István Biri	Assembly of Békés County 5600 Békéscsaba, Derkovits sor 2.	66-441-089	66-441-593
Dr. Pál Illés	Assembly of Borsod–Abaúj–Zemplén County 3525 Miskolc, Városház tér 1.	46-346-256	46-352-525
Dr. Zsolt Tiba	Assembly Budapest Capital 1052 Budapest, Városház u. 9-11.	327-1033	327-1822
Dr. Judit Siket	Assembly of Csongrád County 6722 Szeged, Rákóczi tér 1.	62-566-010	62-425-435
Dr. Zoltán Merényi	Assembly of Fejér County 8000 Székesfehérvár, Szent István tér 9.	22-522-505	22-522-575
Dr. Béla Kovács	Assembly of Győr–Moson–Sopron County 9021 Győr, Árpád u. 32	96-522-222	96-522-221
Lászlóné Vasas Dr.	Assembly of Hajdú–Bihar County 4024 Debrecen, Piac u. 54	52-507-501	52-507-511
Dr. József Benkár	Assembly of Heves County 3300 Eger, Kossuth Lajos u. 9	36-410-359	36-411-106
Dr. Péter Bozsó	Assembly of Jász–Nagykun–Szolnok County 5001 Szolnok, Kossuth Lajos u. 2	56-505-201	56-505-388
Dr. Vilmos Csermák	Assembly of Komárom–Esztergom County 2800 Tatabánya, Fő tér 4.	34-517-122	34-311-690
Dr. László Barta	Assembly of Nógrád County 3100 Salgótarján, Rákóczi út 36	32-620-126	32-620-152
Dr. Tibor Szép	Assembly of Pest County 1052 Budapest, Városház u. 7	317-64-23	318-19-46
Dr. Tamás Vörös	Assembly of Somogy County 7400 Kaposvár, Csokonai u. 3	82-508-109	82-320-420
Dr. Károly Borbély	Assembly of Szabolcs–Szatmár–Bereg County 4400 Nyíregyháza, Hősök tere 5	42-599-510	42-599-514
Dr. István Sebestyén	Assembly of Tolna County 7100 Szekszárd, Szent István tér 11-13.	74-505-604	74-505-611
Dr. László Kun	Assembly of Vas County 9700 Szombathely, Berzsenyi Dániel tér 1	94-515-710	94-515-717
Dr. Imre Zsédényi	Assembly of Veszprém County 8200 Veszprém, Megyeház tér 1	88-545-021	88-545-012
Dr. Rózsa Sifter	Assembly of Zala County 8900 Zalaegerszeg, Kosztolányi Dezső u. 10	92-500-711	92-500-777

## **Calculation of seats at the parliamentary elections**

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## **Calculation of seats at the parliamentary elections**

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### **Single-member constituency elections:**

- 176 constituencies
- 1 MP per constituency
- 750 proposal coupons
- participation threshold
- two-round absolute majority elections

## Calculation of seats at the parliamentary elections

### Single-member constituency elections:

**BALLOT-PAPER**

Parliamentary elections  
April 7, 2002  
Zsuga County  
Constituency 66

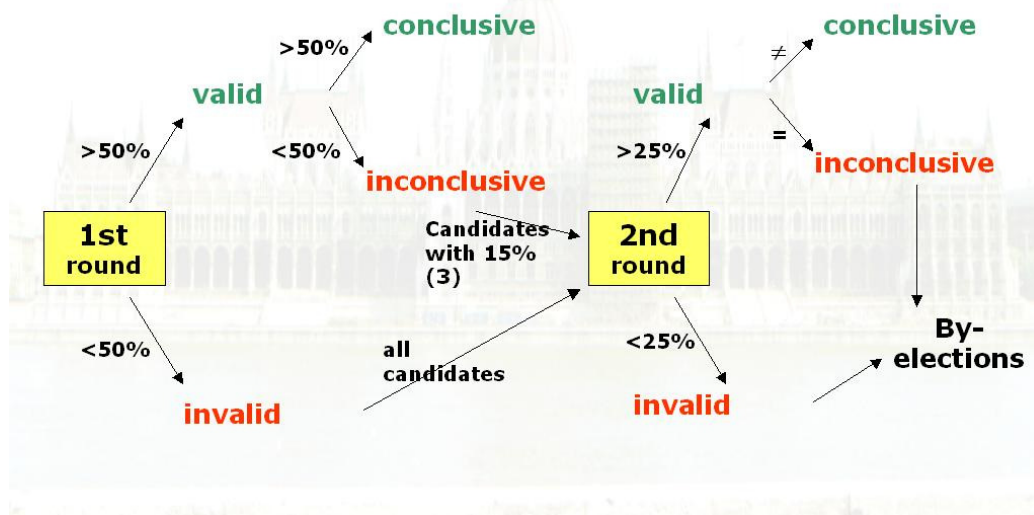
Votes cast for more than one candidate are deemed void.

Bubi Béla	O ♣	CP	Club Party
Dáma Dániel	O ♦	DP	Diamond Party
Dr. Dzsóker Jolán	O		independent candidate
Jumbó Jenő	O ♥♠	HP-SP	Heart Party-Spade Party
Rudenz Ulrich	O		Gourd Party
Stüszí Diana	O ⚡	SNP	Snout Party
Tell Vilmos	O	AP	Acorn Party

The name of the candidate chosen must be marked by two crossing lines inside the circle next to the name,  
for example: ⊗; ⊕

## Calculation of seats at the parliamentary elections

### Single-member constituency elections:



## Calculation of seats at the parliamentary elections

### District constituency elections:

- 20 constituencies (19 counties + Budapest)
- more than one MP at each constituency
- individual candidates up to one-quarter
- participation threshold
- proportionate, list-based elections (Hagenbach-Bischoff)
- closed list

## Calculation of seats at the parliamentary elections

### District constituency elections:

BALLOT-PAPER

Parliamentary elections  
April 7, 2002  
Zsuga County

Votes cast for more than one candidate are deemed void.

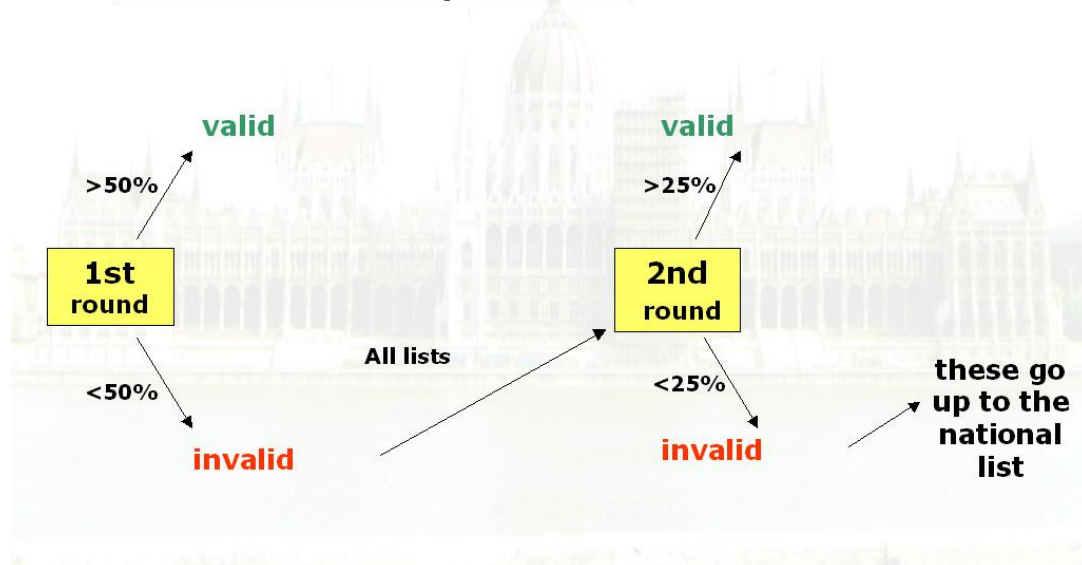
1.	2.	3.	4.
♣	♦	♥ ♠	🐾
O	O	O	O
TP	KP	KK-PP	SVP
Club Party	Diamond Party	Heart Party - Spade Party	Snout Party
Hetes Katica	Ász Ádám	Dr. Makaó Mihály	Betli Bálint
Kanaszta Károly	Négyes Norbert	Fekete Jack	Negyven-Száz Zoltán
Bubi Béla	Johanna Johanna	Nyolcas-Vizes Éva	Rekontra Barbara
Dáma Dalma	Dr. Dzsóker Jolán	Dr. Mariázs Mária	Dr. Ulti Dezső
Rikiki Réka	Póker Pál	Rómi Róbert	Durchmarsch Dénes

The list chosen must be marked by two crossing lines inside the circle over the name of the nominating organisation, for example: ☉, ⊕



## Calculation of seats at the parliamentary elections

### District constituency elections:



## Calculation of seats at the parliamentary elections

### District constituency elections:

1. The TVB counts the votes for the lists, and notifies the OVB thereof
2. OVB:
  - summarises the list votes;
  - establishes the 5-10-15% threshold;
  - establishes, which parties have reached the threshold;
  - notifies the TVB's thereof
3. TVB:
  - allocates the seats to the parties over the threshold;
  - delivers the letters of appointment to the MP's

## Calculation of seats at the parliamentary elections

### District constituency elections:

	party ballots	/divisor	Surplus vote	
Club Party	16 000	1,6	6 000	
Heart Party-Spade Party	20 000	2	0	
Diamond Party	5 000	0,5	5 000	
Acorn Party	9 000	0,9	<del>9 000</del>	→ 1
	50 000		-1 000	

Available seats: 4

$$\text{Divisor} = \frac{\text{Total number of ballots}}{\text{Number of seats} + 1} = \frac{50\,000}{5} = 10\,000$$

Two-third threshold: 6667

## Calculation of seats at the parliamentary elections

### National list:

- 58 (or more) MP's
- 7 district lists
- on the basis of surplus votes (single-member, list)
- proportionate, list-based allocation of seats (d'Hondt)



## Calculation of seats at the parliamentary elections

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### National list:

	Club Party	Diamond Party	Heart Party- Spade Party	Acorn Party	Gourd Party
	104 000	142 000	130 000	168 000	144 400
/2	52 000	71 000	65 000	84 000	72 200
/3	34 667	47 333	43 333	56 000	48 133
/4	26 000	35 500	32 500	42 000	36 100
/5	20 800	28 400	26 000	33 600	28 880
/6	17 333	23 667	21 667	28 000	24 067
/7	14 857	20 286	18 571	24 000	20 629
/8	13 000	17 750	16 250	21 000	18 050
/9	11 556	15 778	14 444	18 667	16 044
/10	10 400	14 200	13 000	16 800	14 440
/11	9 455	12 909	11 818	15 273	13 127
/12	8 667	11 833	10 833	14 000	12 033
/13	8 000	10 923	10 000	12 923	11 108
/14	7 429	10 143	9 286	12 000	10 314

## Calculation of seats at the parliamentary elections

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### National list:

	Club Party	Diamond Party	Heart Party- Spade Party	Acorn Party	Gourd Party
	104 000	142 000	130 000	168 000	144 400
/2	52 000	71 000	65 000	84 000	72 200
/3	34 667	47 333	43 333	56 000	48 133
/4	26 000	35 500	32 500	42 000	36 100
/5	20 800	28 400	26 000	33 600	28 880
/6	17 333	23 667	21 667	28 000	24 067
/7	14 857	20 286	18 571	24 000	20 629
/8	13 000	17 750	16 250	21 000	18 050
/9	11 556	15 778	14 444	18 667	16 044
/10	10 400	14 200	13 000	16 800	14 440
/11	9 455	12 909	11 818	15 273	13 127
/12	8 667	11 833	10 833	14 000	12 033
/13	8 000	10 923	10 000	12 923	11 108
/14	7 429	10 143	9 286	12 000	10 314



## **ELECTION LAW**

- 1. Act No. XX. of year 1949 Constitution of The Republic of Hungary**
- 2. Act No. XXXIV. of year 1989 on the election of the Members of Parliament**
- 3. Act No.C. of year 1997 on the election procedure**
- 4. Measure 3/2006. (I.25.) of the Head of the National Election Office on the participation of international observers and international press representatives in the parliamentary elections of 2006**

**Act no. XX. of 1949**

**The Constitution of the Hungarian Republic**

**(abstract issue)**

§ 2. (2) In the Republic of Hungary all power is vested in the people; who exercise popular sovereignty through their elected representatives and directly.

**Chapter II**

**Parliament**

§ 19. (1) Parliament is the supreme body of state power and popular representation in the Republic of Hungary.

§ 20. (1) General elections of the Members of Parliament, with the exceptions of elections held in the case of dissolution of Parliament, shall be held in April or May of the 4th year following the elections of the previous Parliament.

**Chapter III**

***The President of the Republic***

§. 30/A. (1) The President of the Republic d) will appoint the date of the general elections of parliamentary representatives, the members and mayors of local governments as well as the date of European parliamentary elections and national referenda

**Chapter XII**

**Basic rights and obligations**

70. § (1) All Hungarian citizens of age residing in the territory of the Republic of Hungary shall have the right to be elected and the right to vote in Parliamentary elections and to participate in national referenda and popular initiatives.

**Chapter XIII**

**The Basic Principles of Elections**

71. § (1) The Members of Parliament, the Members of the European Parliament, the members of the body of representatives of local governments, as well as mayors and the Mayor of the capital shall be elected by universal and equal suffrage of voters in direct and secret ballot.

(3) The election of the Members of Parliament, the Members of the European Parliament, and members of the body of representatives of local governments and mayors shall be regulated under special laws, the adoption of which requires a majority of two thirds of the votes of the Members of Parliament present.

**Act No. XXXIV of 1989  
on the Election of Members of Parliament**

**PART ONE  
FRANCHISE**

**Article 3**

Exercising the right to vote is based on the free decision of the voter.

**PART TWO  
THE ELECTORAL SYSTEM**

**Chapter I**

**Members of Parliament**

**Article 4**

- (1) The number of members of parliament is a total of three hundred and eighty-six.
- (2) One Hundred and seventy-six members of parliament shall be elected in single-member constituencies and one hundred and fifty-two in regional/county and capital constituencies (hereinafter: regional constituencies) on lists. On the basis of national totalled votes in single-member and regional constituencies failing to obtain seats the parties may obtain an additional fifty-eight compensatory seats from their national list.
- (3) The number of single-member constituencies in the counties and the capital and the number of seats obtainable in each regional constituency are indicated in the annex number 2 and 3 to this Act.
- (4) Members of parliament shall have equal rights and duties.

**Chapter II**

**Nomination**

**Article 5**

- (1) Candidates in single-member constituencies may be nominated, with the conditions specified in paragraph (2), by voters and social organisations that comply with the provisions of the Act on the Functioning and Management of Political Parties (hereinafter: party). Candidates may also be proposed and nominated jointly by two or more parties.
- (2) In a single-member constituency proposals of at least 750 voters, authenticated by their signatures, shall be required for nomination. An voter may propose only one candidate in one constituency, and only in that single-member constituency in which he/she is a resident.
- (3) In regional constituencies parties may make nominations for regional lists. An regional list may be drawn up by a party that has nominated the number of candidates specified by the annex to this Act in a quarter of the single-member constituencies in the regional constituency, but in at least two single-member constituencies.
- (4) A national list may be set up by a party that has set up lists in at least seven regional constituencies.
- (5) Parties, on the basis of their common single-member constituency nomination, with the participation of the same parties, may set up joint regional lists, and on the basis of their joint regional lists, with the participation of the same parties, may set up joint national lists. With respect to paragraphs (3) and (4) at the setting up of the regional and national list common

single-member constituency candidates and common regional lists may not be taken into account. Individual or joint regional and national lists may be connected.

(6) Three times as many candidates may be proposed on regional and national lists as there are seats obtainable on those lists. If the number of announced candidates is smaller than the number of seats on the list, the remaining seats shall remain vacant.

(7) The same person may be nominated simultaneously to one single-member constituency, to one regional list and on the national list. If a candidate obtains a seat in the single-member constituency, his/her name shall be removed from the regional and the national list. If the candidate obtains a seat on the regional list, the name of the party candidate shall be removed from the national list.

(8) If a candidate is removed from a party list, he/she shall be replaced by the next candidate in turn.

(9) The same party may only put forward one, single, joint, or connected list in a constituency.

## **Article 6**

### **Chapter III**

#### **Determination of Election Results**

## **Article 7**

(1) A candidate in a single-member constituency shall become a member of parliament in the first round of elections, if he/she has obtained more than half of the votes validly cast, provided that more than one half of voters in the constituency have cast their votes. Each voter may cast his/her vote on one candidate.

(2) If during the first electoral round more than half of the number of voters in a constituency do not vote (hereinafter: invalid electoral round), then during the second electoral round

- a) all candidates who have done so during the first electoral round may stand for election;
- b) the candidate having obtained the greatest number of votes validly cast shall become a member of parliament, provided that more than a quarter of the voters in the constituency voted.

(3) If during the first electoral round more than half of the number of voters in a constituency vote, but no candidate has obtained more than half the votes validly cast (hereinafter: unsuccessful electoral round), then during the second electoral round

- a) candidates having obtained at least fifteen percent of the votes validly cast during the first electoral round may stand for election; if there are no such three candidates, the three candidates having obtained the greatest number of votes during the first electoral round may stand; if any of the candidates decides to draw back during this time, no other candidate may take his/her place;
- b) the candidate having obtained the greatest number of votes validly cast shall become a member of parliament, provided that more than a quarter of the voters in the constituency voted.

(4)

(5) By-election shall be held in a single-member constituency where, for lack of candidates, it was impossible to hold the first or second electoral round (article 46).

## Article 8

(1) The candidates on party lists in regional constituencies shall obtain seats in proportion to the number of votes cast, to be calculated in the manner specified by the annex to this Act, in the order in which they are included on the ballot, provided that more than half the voters voted. Each voter may cast his/her vote for one list.

(2) If the first electoral round in an regional constituency is invalid because the number of voters participating did not exceed one half of the voters, all party lists which had done so during the first electoral round may stand for election during the second electoral round. The candidates on party lists shall obtain seats in proportion to the number of votes cast, to be calculated in the manner specified by the annex to this Act, provided that more than a quarter of the voters voted.

(3) If, following the calculation in accordance with paragraphs (1) and (2), there remain vacant seats in a regional constituency, seats shall be obtained even by those lists that received a number of votes smaller than that required to win a seat, but exceeding two-thirds of it. If there are several of those, the seat shall be obtained by the one that has received the next greatest number of votes. If after the calculation there still remains a vacant seat, it shall be added to those obtainable on the national list.

(4) In the case of a seat being obtained according to paragraph (3), the difference between the numbers of votes required for a seat and actually received shall be deducted from the number of national list surplus votes according to paragraphs (2) to (4) of article 9.

(5) A list shall not receive a seat under the cases in paragraphs (1) and (3), if it does not satisfy the following conditions:

a) A party list shall not receive a seat if the regional list put forward by that same party failed to receive more than five percent of the national total of the votes validly cast for the regional party lists. In this respect only the validly cast votes for the same party regional lists may be totalled.

ba) A common list, or connected lists do not receive a seat, if they fail to receive at least ten percent of the national total of validly cast votes, and in the case of a joint or connected list put forward by more than two parties, a total of at least fifteen percent of the national total of validly cast votes. In this respect only the validly cast votes for the joint and connected lists put forward by the same parties in identical ways may be totalled.

bb) The member of the joint list or common list who did not receive more than five percent of the national total of validly cast votes for all the regional lists shall be omitted and may not receive a seat. In this respect only the validly cast votes for the same lists and parties participating in joint lists and connected lists put forward by the same parties in identical ways may be totalled. If a list is omitted from a list connection, or a party is omitted from a joint list, henceforward this shall be considered as if the list omitted from the connection or the party omitted from the joint list had not participated in the setting up of the joint list, and so candidates appearing on them may not receive seats.

(6) Parties connecting their lists shall obtain seats in proportion to the totalled votes cast for their respective lists taking part in the connection.

(7) On the calculation of the percentage limit according to point bb) of paragraph (5) the votes cast for the joint list shall be distributed among the parties according to the prior - nation-wide uniform - statements made by the parties involved on the basis of paragraph (3) of article 9., if such is missing they shall be distributed in equal proportions.

(8) If two or more parties have received equal numbers of votes and stand to obtain seats with that number of votes, but the number of seats in the regional constituency is smaller than that of the parties having received equal numbers of votes, the seats shall be distributed in the order of the ordinal numbers of list.

(9) If no party lists are set up in a regional constituency, the respective seats for that regional constituency shall go on the national list, and shall be distributed according to the surplus votes.

(10) If the second electoral round proves to be unsuccessful in a regional constituency, because not even a quarter of the voters cast their votes, then the votes cast in the first electoral round shall be considered as surplus votes, and the vacant regional constituency seats shall be distributed on the national list.

### **Article 9**

(1) Candidates on national lists shall obtain seats in proportion to the national total of surplus votes and in the order of declaration. Those to be counted as surplus votes are those

- a) which were cast, in an single-member constituency during the first valid electoral round, for party candidates who did not obtain a seat during either electoral round;
- b) which were cast for lists, in an regional constituency during a valid electoral round, in a number smaller than that required for seat, or which exceeded the number of votes used to receive a seat.

(2) Surplus votes cast for single-member constituency candidates and regional lists shall be added:

- a) to the national list of the party which nominated the candidate, and set up the regional list,
- b) to the connected national list in which connection the national list of the party nominating the candidate or putting forward the list participates.

(3) Surplus votes cast for joint single-member constituency candidates and joint regional lists shall be added to the national list according to paragraph (2) of the parties putting forward a joint candidate and joint list according to the ratio previously agreed to - nationwide uniform - by the parties involved. In the lack of other provisions by the parties the surplus votes shall be added:

- a) to the common national list put forward by the parties nominating the candidate or setting up the list,
- b) to the connected national list in which connection the joint national list of the parties nominating the candidate or putting forward the list participates.

(4) Surplus votes of the connected regional list shall be added to the connected national list in which connection the national lists of the parties connecting the regional list participate.

(5) Votes cast during an invalid electoral round shall not be counted as surplus votes under paragraph (1) and hence shall not be taken into account for purposes of obtaining seats on the national list, except for the stipulations in article 8, paragraph (10). Votes cast for a regional list, and for a member of a list connection or joint list who may not receive a seat on the basis of article 8, paragraph (5) may not be counted as surplus votes.

(6) Parties connecting their national lists may receive seats in proportion to the total number of surplus votes allotted to the lists participating in the connection.



**PART THREE**  
**ELECTORAL PROCEDURES**

**Chapters IV to X**

**Articles 10-45**

**Chapter XI**

**By-elections**

**Article 46**

(1) A by-election shall be held in a single-member constituency, if the second electoral round is also invalid, or the appointment of a member of parliament in a single-member constituency has been terminated.

(2)

(3) The rules of general elections shall, with the differences in this chapter, apply when applicable to by-elections.

(4) The results of a by-election shall not affect the seats on the national lists.

(5) In cases where the appointment of a member of parliament that has a seat on a regional or a national list has been terminated, it shall be obtained by a person named by the party concerned, from among the party candidates originally included on the lists or in lack of such candidate the next in turn on the list. In case of a common list where parties fail to name their mandate obtaining candidate in time:

- a) the next candidate in turn on the common list put forward by the party nominating the failed candidate, and if there is no such one
- b) the next candidate in turn on the common list.

**Chapter XII**

**Closing Provisions**

**Article 47-48**

**Article 49**

**Article 50**

(2) The Government shall be authorised to determine the serial numbers, centres and boundaries of single-member and regional constituencies.

**Article 51**

**Article 52**

The annexes to this Act shall determine:

- a)
- b) the number of single-member constituencies in the counties and Budapest as well as the number of seats obtainable in each regional constituency;

- c) the number of nominations in single-member constituencies required for putting forward a regional list;
- d) the procedures for the totalling of votes and the determination of election results;
- e)-j)
- k)

### **Article 53 - Article 55**

### **Article 56**

(1) This Act shall enter into force on the day of its promulgation.

(2) - (4)

Annex 1 [to article 52, point a)]

Annex 2 [to article 52, point b)]

No.	Capital, County	Number of individual constituencies	Number of mandates available per territorial constituency
1.	Budapest	32	28
2.	Baranya	7	6
3.	Bács-Kiskun	10	8
4.	Békés	7	6
5.	Borsod-Abaúj-Zemplén	13	11
6.	Csongrád	7	6
7.	Fejér	7	6
8.	Győr-Moson-Sopron	7	6
9.	Hajdú-Bihar	9	8
10.	Heves	6	5
11.	Jász-Nagykun-Szolnok	8	6
12.	Komárom-Esztergom	5	5
13.	Nógrád	4	4
14.	Pest-Pilis-Solt-Kiskun	16	14

15.	Somogy	6	5
16.	Szabolcs-Szatmár-Bereg	10	9
17.	Tolna	5	4
18.	Vas	5	4
19.	Veszprém	7	6
20.	Zala	5	5
	Total:	176	152

Annex 3 [to article 52, point c)]

No.	Capital, County	Number of individual constituencies according to territorial constituencies in which putting forward individual candidates is a condition for putting forward a territorial list
1.	Budapest	8
2.	Baranya	2
3.	Bács-Kiskun	2
4.	Békés	2
5.	Borsod-Abaúj-Zemplén	3
6.	Csongrád	2
7.	Fejér	2
8.	Győr-Moson-Sopron	2
9.	Hajdú-Bihar	2
10.	Heves	2
11.	Jász-Nagykun-Szolnok	2

12.	Komárom-Esztergom	2
13.	Nógrád	2
14.	Pest-Pilis-Solt-Kiskun	4
15.	Somogy	2
16.	Szabolcs-Szatmár-Bereg	2
17.	Tolna	2
18.	Vas	2
19.	Veszprém	2
20.	Zala	2

Annex 4 [article 52, point d)]

Counting of votes and the method of calculating the results of the election

#### I. Single-member constituency

##### 1. Valid and invalid election round:

###### a) Valid first election round:

The first round of elections shall be valid, if more than half of the voters have cast their votes at the election.

###### b) Invalid first round of elections:

The first round of elections shall be invalid, if half of the voters, or less have cast their votes at the election.

###### c) Valid second round of elections:

The second round of elections following an invalid or unsuccessful first round of elections [points 1/b) and 2/b)] shall be valid if more than a quarter of the voters have participated in the election.

###### d) Invalid second round of elections:

The second round of elections following an invalid or unsuccessful first round of elections [points 1/b) and 2/b)] shall be invalid if no more than a quarter of the voters have participated in the election.

##### 2. Successful and unsuccessful election round:

###### a) Successful first round of elections

A first round of elections shall be successful and valid [point 1/a)] in which one of the candidates receives more than half the votes cast.

b) Unsuccessful first round of elections

A first round of elections shall be unsuccessful [point 1/a)] if none of the candidates receive more than half the votes cast.

c) Successful second round of elections

A second round of elections following a valid [point 1/a] or invalid [point 1/b] first round of elections shall be successful in which the candidates receive a different number of votes.

d) Unsuccessful second round of elections

A second round of valid [point 1/c] elections shall be unsuccessful, if the candidates receive an identical number of votes.

In single-member constituencies the candidate who during the valid round of elections received the number of votes according to points 2/a or 2/c shall become a member of parliament.

## II. Regional constituency

### 1. Valid and invalid election round:

a) Valid first round of elections:

The first round of elections shall be valid if more than half of the voters have cast their votes at the election.

b) Invalid first round of elections:

The first round of elections shall be invalid, if half of the voters, or less have cast their votes at the election.

c) Valid second round of elections:

The second round of elections following an invalid first round of elections [point 1/b] shall be valid, if more than a quarter of the voters have participated in the election.

d) Invalid second round of elections:

The second round of elections following an invalid first round of elections [point 1/b] shall be invalid, if no more than a quarter of the voters have participated in the election.

### 2. Preconditions for calculating the results of regional list elections:

- a) the nation-wide totalling of votes validly cast for regional lists separately by party,
- b) identification of the those parties for which the number of votes cast did not exceed the percentage boundary as determined in article 8, paragraph (5) of this Act.

### 3. Calculation of the results of a valid round of elections in the regional constituency:

- a) The number of validly cast votes on the election lists of the parties are to be added up (hereinafter: total valid votes).
- b) One has to be added to the number of seats available in the constituency (hereinafter: divider).

- c) The total of valid votes is to be divided by the divider. The ratio thus calculated is the number of votes required to obtain a seat.
- d) The number equal to two-thirds of the number of votes required to obtain a seat is to be determined (hereinafter: two-thirds boundary).
- e) The number of votes cast for the party's regional list is to be divided by the number of votes required to obtain a seat. The integer resulting from the division shall be the number of seats obtained by the party, also taking into consideration article 8, paragraph (8) of this Act. The remainder of the division, along with the votes not resulting in a seat shall constitute surplus votes.
- f) If after the distribution of the seats according to point e) there shall still remain seats vacant, then the parties shall receive seats in the decreasing order of surplus votes, until the two-thirds boundary is reached. If all of the seats available in the constituency have been filled, then, regardless of the two-thirds boundary, further seats may not be distributed. Surplus votes not resulting in seats, with the exception of the surplus votes determined in article 8, paragraph (4), shall be added to the national list.
- g) Seats remaining vacant in regional constituencies after the calculation under point f) shall be added to the national list.

### III. Distribution of seats obtainable on the national list on the basis of surplus votes

1. Surplus votes generated in single-member and regional constituencies [article 9, point (1)] shall be totalled on a national level, separated according to parties, taking into consideration article 8, point (4) of this Act (hereinafter: surplus votes for parties).
2. Surplus votes for parties shall be totalled on the national level (hereinafter: national surplus vote).
3. The number of seats remaining vacant on regional lists shall be added to the number of seats obtainable on the national list (58) [II./3 g].
4. The seats obtainable on the national list shall be distributed on the basis of the surplus votes. The procedure for this shall be: A table shall be compiled, the first row shall be made up of the surplus votes cast for the parties. Under each of the surplus votes for parties a numeric column shall be created, the first number of which shall be half the number of surplus votes cast for the given party, the next a third thereof, a quarter, etc.
5. Seats shall be distributed with the help of the table. The greatest number in the table shall be selected. The party in whose numeric column we find that number shall receive a seat. Next the second greatest integer shall be selected. The party in whose numeric column we find that number shall receive a seat. This procedure shall be continued until all of the obtainable seats have been distributed.

Should there appear equal number during the selection of the greatest appearing in the table, then the party to receive the seat shall be determined on the basis of article 9, paragraph (8) of this Act.

### IV. The connection between the percentage boundary and the number of seats obtainable on the regional list

1. The number of votes cast for regional lists shall be totalled on the national level, separately according to parties (hereinafter: list votes cast for parties).
2. The list votes cast for parties shall be totalled (hereinafter: number of list votes).

3. The percentage of party list votes as determined in article 8, paragraph (5) of this Act is to be calculated.

4. The party which on the basis of the list votes cast for parties has received more votes than the percentage determined in article 8, paragraph (5) shall obtain the number of list seats it reached in the regional constituency and, on the basis of surplus votes, the seats it attained on the national list.

5. The party which on the basis of the list votes cast for parties did not exceed the percentage determined in article 8, paragraph (5) shall

- a) lose the surplus votes it received in single-member constituencies,
- b) not obtain a seat in the regional constituency,
- c) not obtain a seat on the national list.

Annexes 5 to 17 [to article 52, point e)]

**Act No. C of 1997**  
**on the Electoral Procedure**

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

***PART ONE***

***GENERAL PROVISIONS***

**CHAPTER I**

**FUNDAMENTAL RULES**

**The aim of the Act**

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

**The scope of legitimate application**

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

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

**The basic principles of electoral procedure**

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

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

**General rules**



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

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

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

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

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

## CHAPTER II

### THE PUBLICITY OF THE ELECTORAL PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

- b)* may record their comments in the minutes made out on the closing of voting,
  - c)* may lodge a reserve,
  - d)*, shall not influence or disturb the voting, or the work of the election office at the foreign representation either actively or through behaviour from which an inference may be drawn,
  - e)* may sign the sealed ballot-box after closing the voting,
  - f)* is obliged to wear a pass in the polling station.
- (5) The costs related to the observer's delegation and activity shall be borne by the delegator.

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

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

- a. the public opinion poll shall be anonymous, and based on voluntary participation;
- b. the public opinion researchers may not enter the building where the polling-station is located, may not in any way harass voters, and may ask only those stepping out of the polling station.

### CHAPTER III

#### CONSTITUENCIES, ELECTORAL DISTRICTS

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

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

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

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

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

### CHAPTER IV

#### REGISTERING THE RIGHT TO VOTE

##### **The register**

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

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

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

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

#### **Displaying the register publicly**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. was listed in the register; or
- b. was listed in the register of major citizens disfranchised, and the reason thereof; or
- c. has been given a certificate pursuant to § 89 or 104; or
- d. was listed in the register at foreign representations; or
- e. was not listed either in the register, or in the register of major citizens disfranchised, or in the register at foreign representations.

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

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

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

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

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

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

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

- a. public guardianship authorities proceeding in cases of guardianship regarding the placement in charge of a guardian limiting or excluding ability to act and the termination of such guardianship;
- b. the National Penal Authorities, through the agency registering delinquents, about persons subject to a judgment at law barring them from public affairs;
- c. the National Penal Authorities about citizens serving sentence of confinement, and undergoing compulsory therapy at an institution ruled with legal force in criminal procedure;

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

- a. first name(s) and family name (in the event of women, also the maiden name);
- b. personal identification number;
- c. the reason for, commencement and expected termination of the exclusion from exercising suffrage.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Within the time frame defined in paragraph (1), voters entered in the register at foreign

representations may modify the data set forth in Section (2) f), or request their deletion from the register at foreign representations and their re-entry in the register of their address.

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER V  
ELECTION BODIES  
**Election committees**

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

(2) Election committees:

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

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

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

**Members of the election committee**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) If, on polling day, the number of the members of the ballot counting committee is less than five, the head of the local election office may supplement the committee by adding alternate members or



members from other ballot counting committees. If it is not possible to supplement the ballot counting committee in such fashion, then the head of the regional election office shall arrange for same by delegating members or alternate members of ballot counting committees of other settlements having taken an oath.

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

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

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

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

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

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

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

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

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

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

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

#### **The resolution**

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

(2) The resolution shall contain

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

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

### **Communicating the resolution**

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

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

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

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

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

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

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

### **The ballot counting committee**

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

### **The local election committee**

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

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

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

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

### **Regional election committee**

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

### **National Election Committee**

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

### **Election offices**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER VI ELECTION CAMPAIGN

### Campaign period

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

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

### Infringement of the campaign silence period

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

### Posters

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

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

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

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

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

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

### Meeting

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

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

### **Radio and television transmission**

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

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

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

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

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

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

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

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

### **Supply of data**

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

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

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

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

## CHAPTER VII

### PROPOSAL

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

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

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

(4) Proposals may not be withdrawn.

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

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

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

(2) Proposal coupons may not be collected:

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

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

#### **Joint candidate**

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

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

#### **Invalid proposals**

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

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

shall be invalid.

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

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

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

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

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

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

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

### **Notification of the candidate**

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

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

- a. has right to vote;
- b. has accepted the nomination;
- c. has no such function that is incompatible with the representative's or mayor's mandate, or that, in the event of being elected, he or she will resign it.

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

### **Notification of the list**

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

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

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

### **Checking proposals**

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

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

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

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

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

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

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

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

### **Provisions regarding the candidate**

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

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

### **Protection of data related to proposals**

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

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

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

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

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

## **CHAPTER VIII**

### **VOTING**

#### **Time, date and venue of voting**

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

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

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

(4) The polling station shall not be closed during the term of voting, and the voting shall not be extended, or, except for extraordinary events, interrupted. If on polling day the number of the members of the ballot counting committee becomes less than three, or voting has become impossible due to external reasons beyond control, those present are obliged to immediately suspend voting,



sequester the ballot-box and the documents, and immediately advise the head of the local election office about the fact of such suspension to ensure the lawful continuation of voting.

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

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

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

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

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

### **Commencement of voting**

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

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

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

### **The process of voting**

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

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

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

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

a. has a certificate;

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

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

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

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

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

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

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

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

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

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

(3) The ballot-paper

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

shall be invalid.

(4) The vote which

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

shall be invalid.

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

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

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

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

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

### **Voting at foreign representations**

**§ 71/A** (1) Voting at foreign representations is possible if the host state does not object to it. Voting

shall not take place at foreign representations where no voter is registered.

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

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

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

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

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

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

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

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

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

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

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

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

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

Hungary.

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

## **CHAPTER IX**

### **AGGREGATING BALLOTS**

#### **Counting ballots**

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

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

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

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

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

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

(7) Ballots shall be counted at least twice.

#### **Determining the result**

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

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

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

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

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

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

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

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

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

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

(2) The voting documents shall be invalid if

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

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

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

### **Minutes**

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

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

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

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

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

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

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

### **Data sheet**

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

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

## **CHAPTER X LEGAL REMEDIES**

### **Reserves**

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

(2) Reserves shall contain

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

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

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

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

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

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

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

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

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

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

### **Appeals**

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

(2) The appeal may be lodged

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

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

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

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

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

(4) The appeal shall contain

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

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

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

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

### **Appellate procedure**

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

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

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

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

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

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

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

### **Judicial revision**

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

(2) The application for judicial revision may be submitted

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

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

(4) Applications for judicial revision may be withdrawn.

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

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

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

(4) The application for judicial revision shall contain

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



number or electronic e-mail address of the person submitting the application within his/her own discretion.

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

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

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

### **Judicial revision procedure**

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

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

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

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

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

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

(7) The court

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

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

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

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

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

**PART TWO**  
**SPECIAL PROVISIONS**  
**CHAPTER XI**  
**THE ELECTION OF MEMBERS OF PARLIAMENT**

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

**The call for the election**

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

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

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

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

**The publicity of the electoral procedure**

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

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

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

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

**Constituencies, electoral districts**

**§ 88** Principles of establishing constituencies:

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

**Registration of suffrage**

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

(2) Simultaneously with issuing the certificate, the head of the local election office of the address shall delete the voter from the register. On the grounds of the voter's statement, the settlement where the voter intends to vote shall be indicated in the certificate, and shall be stated in the register. Receipt

of the certificate shall be acknowledged by the voter, or the person authorised by the voter on the strength of an authorisation made out for this purpose, by signature.

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

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

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

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

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

(2) In the application for inclusion in the register at foreign representations, the voter is obliged to indicate whether he/she requests his/her inclusion in the register at foreign representations for the first, the second round or both rounds of the election.

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

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

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

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

### **Election bodies**

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

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

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

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

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

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

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

(2) The parliamentary single mandate constituency election committee shall

- a) decide the registration or refusal of candidates in single mandate constituencies and of nominating organisations that intend to put forward candidates only in one single mandate constituency,
- b) approve the data content of the ballot paper of the single mandate constituency,
- c) decide reserves regarding the election in single mandate constituency,
- d) decide appeals against resolutions adopted by the ballot counting committee pursuant to clause a) and b) paragraph (1) that concern exclusively the election in single mandate constituency, and that concern both the single mandate constituency and regional list elections,
- e) annul the results of voting if it establishes any violation of law that affects it on the merits,
- f) determine and publish the results of the election in single mandate constituency,
- g) issue the letter of appointment to the representatives in the parliamentary single mandate constituency,
- h) initiate the call for by-election with the National Election Committee,
- i) initiate the decision of the body having powers, in case any violation of law is made known to it.

(3) The regional election committee shall

- a) decide the registration or refusal of lists and the candidates included in them, and nominating organisations that intend to put forward candidates only in one county/the capital,
- b) draw the sequence number of regional lists,
- c) approve the data content of the ballot papers of regional lists,
- d) decide reserves regarding the election of regional lists,
- e) decide appeals against the resolution adopted by the ballot counting committee pursuant to clause a) and b) paragraph (1) that concern exclusively the election of regional lists,
- f) decide appeals against the parliamentary single mandate constituency election committee,
- g) annul the results of voting, if it establishes any violation of law that affects it on the merits,

- h) determine and publish the results of the election in the regional constituency,
- i) issue the letter of appointment to representatives who have obtained a seat on a regional list,
- j) initiate the decision of the body having powers, in case any violation of law is made known to it.

(4) The National Election Committee shall

- a) issue a standpoint in order to develop a uniform interpretation of rules of law and uniform legal practice regarding the elections; the standpoint works as a guideline, no appeal against it lies; the standpoint shall be published in the Official Gazette of Hungary,
- b) decide the registration or refusal of national lists and the candidates included in them, and of nominating organisations that intend to put forward candidates in several counties/in the capital,
- c) draw the sequence number of national lists,
- d) decide reserves regarding the activity of election offices at foreign representations, and any reserve that do not fall within the competence of the parliamentary single mandate constituency election committee, or the regional election committee,
- e) decide appeals against the resolution of the regional election committee,
- f) annul the result of voting, if it establishes any violation of law that affects it on the merits,
- g) determine which nominating organisations have reached the % voting threshold of the extent defined in law,
- h) determine who have won a mandate in the elections of Members of Parliament out of the candidates on national lists,
- i) issue the letter of appointment to the representatives who have obtained a mandate on national lists,
- j) determine and publish the nationally aggregated results of the elections,
- k) call the by-election of Members of Parliament, and determine the deadlines thereof calculated according to calendar days,
- l) initiate the decision of the body having powers, in case any violation of law is made known to it,
- m) report on the general elections of Members of Parliament to the Parliament.

### **Election campaign**

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

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

person nominated both in a single mandate constituency and on a list, or both on a regional and a national list shall be considered in accordance with the number of nominations.

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

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

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

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

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

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

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

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

### **Proposal**

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

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

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

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

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

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

### **Voting**

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

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

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

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

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

### **Voting at foreign representations**

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

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

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

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

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

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

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

- a) in the first round of the elections, on polling day in Hungary,
- b) in the second round of the elections, immediately after the voting documents have arrived.

### **Aggregating the ballots**

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

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

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

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

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

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

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

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

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

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

### **Filling vacant seats**

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



### **Legal remedy**

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

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

## **PART THREE**

### **CLOSING PROVISIONS**

#### **CHAPTER XVII**

#### **EXPLANATORY PROVISIONS**

#### **§ 149** When applying this Act

- a) *state leader* shall mean persons subject to the force of the law on the legal status and responsibility of the members of the Government and state secretaries;
- b) *county/capital-clerk* shall mean the county, capital recorder;
- c) *independent candidate* shall mean a candidate nominated not by a nominating organisation;
- d) *kin* shall mean lineal kin and spouse thereof; adoptive and foster-parent; adopted and foster-child; sibling, spouse, common-law companion; lineal kin, sibling of spouse; and sibling's spouse;
- e) *clerk* shall mean settlement clerk, district clerk;
- f) *type of nomination* shall mean single mandate constituency, regional list, national list nomination in the election of Members of Parliament; list nomination in the election of the Members of the European Parliament; mayors'/the capital Mayor's, common regional list, single mandate constituency, compensation list, county/metropolitan list and minority common regional list nomination in the election of the representatives and mayors of local governments;
- g) *nominating organisation* shall mean political parties registered pursuant to Act XXXIII of 1989 on the Operation and Financial Functioning of Political Parties, and social organisations registered pursuant to Act II of 1989 on the Freedom of Association; nominating organisations putting forward joint candidates or setting up joint lists shall be considered one nominating organisation;
- h) *representative* shall mean Members of Parliament, Members of the European Parliament, members of the body of representatives of settlement municipalities, members of county general assemblies, members of the metropolitan general assembly, members of minority municipalities;
- i) *persons submitting initiatives* shall mean in the event of referendums initiated by citizens and popular initiatives the organisations and private persons that have submitted the initiative;
- j) *candidate of minorities* shall mean independent candidates undertaking the representation of some national or ethnic minority determined under the Act on the Rights of National and Ethnic Minorities, or candidates of the minority organisation;
- k) *minority organisation* shall mean a social organisation that, in accordance with the court registration, represents a national or ethnic minority determined under the Act on the Rights of National and Ethnic Minorities;

- l) *poster* shall mean election placards, advertisements, notices, handouts, projected images, flags, emblems irrespective of the carrier material;
- m) *mayor* shall mean the mayor of the settlement, the Mayor of Budapest;
- n) *settlement* shall mean communities, towns/cities, cities having county rights, districts of the capital;
- o) *election campaign* shall mean the statement of the election program; the promotion of candidates, lists, nominating organisations; the organisation of election meetings; the placement of posters; the use of volunteers.
- p) *first name and family name* shall mean the name used in marriage, the first name and family name at birth;
- q) *domicile* shall mean the address of the flat or, for lack of it, except for Hungarian citizens and non-Hungarian citizens living abroad, of the rooms, abode used in need that the voter uses as his/her home on a regular basis in his/her normal life, if he/she has notified it to the particulars and address register as address.
- r) *foreign representation* shall mean the embassy and consulate general of the Republic of Hungary.

## CHAPTER XVIII

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

#### Entry into force

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

#### Transitional provisions

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

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

#### Authorisation

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

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

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

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

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

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

**MEASURE 3/2006. (I.25.)  
OF THE HEAD OF THE NATIONAL ELECTION OFFICE**

**on the participation of international observers and international press representatives in the  
parliamentary elections on 9th and 23st of April, 2006.**

In my authority set forth in paragraph 39 article (1) of Act C. of year 1997 on the election procedure, regarding the participation of foreign observers and international press representatives in the parliamentary election of 2006, I take the following measure:

1. Hungary, as a country that has signed the 1990 Copenhagen document on the human dimension of the Organisation for Security and Co-operation in Europe (OSCE) undertook liability to invite observers from other member countries and relevant civic organisations for the elections to be held in the country. Therefore, according to this commitment, all electoral offices should assist the lawful and successful execution of the observation by foreigners.
2. Concerning the reception of international observers and international press representatives, relevant electoral regulations should be consistently adhered to, which are decisive mainly in three respects:
  - e) The operation and activity of the election committees and the information - with the exceptions laid down in law - available to them are public. The publicity of the election procedure cannot offend the secrecy of the voting nor the rights related to personality and to the protection of personal data. (cp. paragraph 6 article (1) of Act C. of year 1997).
  - f) Similarly to press representatives the international election observers are allowed to be present at the work of the electoral committees - therefore also at the work of the polling station committees - but they cannot disturb their work (cp. paragraph 7 article (1) of Law C. of year 1997), and cannot give orders to them.
  - g) The chairman of the polling station committee is responsible for maintaining order in the polling-station and its environment during the polling day. The measures made in order to maintain the order are obligatory for everyone - including the foreign election observers (cp. paragraph 65 article (1) of Law C. of year 1997).
3. For the parliamentary election, those persons are considered as **international election observers** who have registered themselves as such at the National Election Office and, having properly justified their identity and legitimacy, the National Election Office has supplied them with accreditation cards. The accreditation card serves also as an entry permit to the National Election Centre (BM Duna Palota, Budapest, V., Zrínyi u. 5.).

When exercising their activities, in order to prove their official capacity, the international election observers should put on or show their accreditation card.

4. For the parliamentary election, the **international press representatives** operating in Hungary shall register themselves at the National Election Office. The National Election Office will supply them with accreditation cards, which also serve as entry permit to the National Election Centre (BM Duna Palota, Budapest, V., Zrínyi u. 5.).
  - a) While exercising their duties, the international press representatives shall put on or show their accreditation cards furthermore, they shall dependably attest their official journalist capacity.
  - b) Regarding the polling stations at the foreign representations, representatives of international press without valid accreditation cards may only enter the polling station on the permission of the foreign representation, after proving their identity and showing their press certificates.

Concerning those issues that are not mentioned in this measure, foreign press representatives shall enjoy the same rights and entitlements as the international observers during the election.

5. Those international observers and international press representatives who intend to observe the process of voting at the foreign representations of Hungary shall register themselves at the National Election Office until the 20th of March 2006 at the very latest, while those who intend to

visit the polling stations in the territory of the country shall process their accreditation requests to the National Election Office till the 31st of March 2006 at latest.

6. In order to exercise his/her relevant activity, the international election observer in the period **before the polling day is allowed**
  - a) to participate on press conferences held for international observers and international press;
  - b) to request for information matters related to Hungary and the Hungarian electoral law in Hungarian and in foreign languages;
  - c) on the basis of previous arrangement, to collect information on the electoral preparations at the National Election Office and at the electoral offices.
7. **On the polling day** the international election observer:
  - a) is allowed to observe on site the beginning and the process of the voting at any polling station selected by the observer (the opportunity shall be guaranteed by every polling station);
  - b) should announce his/her intention to observe to the chairman of the polling station committee on site;
  - c) is allowed to be given information about all particulars of public interest related to the voting;
  - d) is allowed to be present (as observer) at the counting of the votes and to receive verbal information about the results;
  - e) in the National Election Centre is allowed to follow the arrival and processing of the partial results of the election, for this purpose is allowed to participate in press conferences, to receive preliminary information matters and to follow the development of the election results, as well as to study other electoral information to be found on Internet and other electronic systems.
8. **Following the day of the election**, the international observers and international press representatives are allowed to participate on the press conference where the preliminary and final election results are announced in the National Election Centre.
9. The international election observers are allowed to publish their experience and findings on press conferences organised for them by the National Election Office, interviews given to Hungarian and foreign press representatives or in other forms (e.g. submitting their written statements to the National Election Office).
10. The heads of the regional election offices are allowed to receive international observers in their competency, in their own authority in line with clause 3, provided that the inviting party is the municipality, party or non-governmental organisation operating in the area of competence of the regional electoral office. The National Election Office should be informed about the fact of the accreditation, in order to register the observer and provide him/her subsequently with the election information materials. The accreditation card issued for the regional-observer does not entitle the owner to enter the National Election Centre and the rights established in this very measure are limited to a defined area of the country (to the capital or the county in which they are registered). The head of the regional election office is responsible for providing the international observers and international press representatives with all the information materials produced locally.
11. In his/her area of competence, the head of the regional election office:
  - provides for the information of the local election offices and the adequate preparation of the heads of the polling stations,
  - in his/her report on the conduction of the parliamentary elections, informs the National Election Office on the invitation of international observers, the number of participants and the observations and findings established by them.

Budapest, 25th of January 2006.

**Emília Rytkó**