

IV. SELECTED RULES OF LAW

Act XX of 1949
The Constitution of the Hungarian Republic
(abstract issue)

§. 28/B. (1) The subject of a nation-wide referendum and popular initiative may be an issue falling under the authority of Parliament.

(2) The passing of the act on nation-wide referenda and popular initiative requires a two-thirds vote of the deputies present.

§. 28/C. (1) Nation-wide referenda may be held for the purpose of making a decision or for the presentation of opinions, the ordering of a referendum shall be obligatory or on the basis of deliberation.

(2) A nation-wide referendum shall be obligatorily held at the initiative of at least 200.000 voters.

(3) If the nation-wide referendum is ordered, the decision brought at a valid referendum shall be binding for the Parliament.

(4) A nation-wide referendum may be ordered on the basis of arbitration at the initiation of the President of the Republic, the Government, a third of the members of parliament, or 100.000 voters by Parliament.

(5) A nation-wide referendum may not be ordered:

a) on the contents of the acts on the budget, on the execution of the budget, on central tax types and stamp duties, on customs, and on central conditions of local taxes,

b) on obligations arising out of international agreements in force, nor on the contents of the acts containing these obligations,

c) on the statutes of the Constitution regarding referendum and popular initiative,

d) on personnel and organisational modification (transformation, dissolution) issues falling under the authority of Parliament,

e) on the dissolution of Parliament,

f) on the Government programme

g) on the declaration of a state of war, on the declaration of a state of emergency,

h) on the utilisation of armed forces abroad or in the country,

i) on the dissolution of the delegates' assembly of the local government,

j) on the execution of amnesty.

(6) A nation-wide referendum shall be valid if more than half of the voters casting valid votes, but at least more than a quarter of all voters give an identical answer to the question proposed.

§. 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

70. § (1) All adult Hungarian citizens residing in the territory of the Republic of Hungary have the right to be elected and, provided that they are present in the country on the day of the election or referendum, the right to vote in Parliamentary elections, local government elections or minority self-government elections, and furthermore to participate in national or local referenda or popular initiatives.

(2) Persons residing in the territory of the Republic of Hungary as immigrants who do not have Hungarian citizenship also have the right to vote in the election of the local government representatives and of the Mayor, as well as the right to participate in local referenda and popular initiatives, in accordance with the regulations of a separate law, provided that they are present in the country on the day of the election or referendum.

(3) The right to vote shall not be granted to persons whose capacity is limited or restricted by being subject to guardianship, or who are subject to the final judgment of a court forbidding them to participate in public affairs, or who are imprisoned on the basis of a final legal judgment or are under compulsory institutional care on the basis of a final judgment rendered in criminal proceedings.

(4) All Hungarian citizens have the right to participate in public affairs, and furthermore to hold public office in accordance with their suitability, education and professional knowledge.

79. § A binding referendum shall be held on the accession of the Republic of Hungary to the European Union pursuant to the Accession Treaty. The date of this referendum shall be 12 April 2003. The question to be put in the referendum shall be: *"Do you agree that the Republic of Hungary should become a Member of the European Union?"*

Act III of 1998
on National Referendum and Popular Initiative

It is a basic constitutional right that people shall be the owner of power. It exercises its power within the frames of the Constitution, primarily through its elected representatives. It is part of exercising democratic power that the people shall be able to take part in deciding the most important matters related to the country's fate, and influencing or changing representatives' decisions directly, through voting.

As regards these principle foundations, the Parliament shall make the following law:

General provisions

1. § In the Republic of Hungary everybody who has suffrage in the election of representatives (hereinafter referred to as voter) may take part in national referenda (hereinafter referred to as referendum) and national popular initiatives (hereinafter referred to as popular initiative).

2. § The specimen of the signature-collecting sheets shall be submitted, prior to the commencement of collecting signatures, for the sake of attestation, to the National Election Committee.

3. § (1) To support citizens' initiative aimed at calling a referendum, or popular initiative signatures may be collected on signature-collecting sheets identical with the attested specimen.

(2) Signatures shall not be collected within the 41 days prior to and subsequent to the day of the elections of parliamentary representatives, and the members and mayors of local governments.

4. § (1) The National Election Committee shall arrange for checking the signatures of the citizens' initiative aimed at calling a referendum, or the popular initiative.

(2) In the event of failure to comply with the term defined with regard to submitting the initiative in Article 28/E of the Constitution, the National Election Committee shall not check the signatures.

(3) With regard to failure to comply with the term referred to in paragraph (2), or the result of checking the signatures, the Chairman of the National Election Committee shall immediately inform the Speaker of the Parliament.

5. § If the citizens' initiative aimed at calling a referendum or the popular initiative has been submitted with delay, or as a result of checking the signatures the National Election Committee has ascertained that the number of valid signatures does not reach the number determined in the Constitution, the Speaker of the Parliament shall on the next session day following receipt of the information pursuant to paragraph (3) of Article 4 announce that the initiative has not complied with legislative requirements.

6. § The Speaker of the Parliament shall announce the initiative complying with the conditions enshrined in law on the next session day following the receipt of the information pursuant to paragraph (3) of Article 4, or paragraph (2) of Article 9.

7. § (1) The Parliament is obliged to put the initiative on the agenda and discuss it.

(2) When calculating the term defined in paragraph (1) of Article 14 and Article 20, the intermission between sessions and the length of postponement shall be neglected.

Referendum

8. § (1) The decision made with a successful binding referendum, which enables the public to decide the case, shall be binding upon the Parliament.

(2) A non-binding referendum, which enables the public to voice their opinion, ensures the contribution of the citizens to making the Parliament's decision, but shall not bind the Parliament to make a decision with a defined content.

(3) An obligatory referendum can be only binding, a referendum ordered on the grounds of discretion (hereinafter referred to as optional referendum) can be, subject to the Parliament's decision, with the restraint set forth in paragraph (4), either binding or non-binding.

(4) The referendum ordered with regard to a law already enacted by the Parliament but not yet signed by the President of the Republic shall be binding.

9. § (1) The initiative aimed at ordering an optional referendum may be submitted by the President of the Republic, the Government, or one third of the Members of the Parliament to the Chairman of the National Election Committee.

(2) The National Election Committee shall examine compliance with the requirements enshrined in the Constitution, and set forth in clauses *a)-c)* of Article 10, and shall on the grounds of this decide the attestation of the

particular question. The Chairman of the National Election Committee shall immediately inform the Speaker of the Parliament with regard to the result of the attestation.

(3) If the National Election Committee has not attested the question, the Speaker of the Parliament shall on the next session day following receipt of the information pursuant to paragraph (2) announce that the initiative has not complied with the legislative requirements.

10. § The National Election Committee shall refuse to attest the signature-collecting sheet if

- a)* the question does not fall within the competence of the Parliament,
- b)* no national referendum may be held regarding the question,
- c)* the wording of the question does not comply with the requirements set forth in the law,
- d)* the signature-collecting sheet does not comply with the requirements stipulated in the Act on Electoral Procedure.

11. § The citizens' initiative aimed at calling the referendum may be submitted, except for the discontinuance of collecting signatures pursuant to Article 118/A of Act C of 1997 on Electoral Procedure (hereinafter referred to as Procedural Law), in four months following the attestation of the signature-collecting sheet, once to the Chairman of the National Election Committee. The signatures submitted additionally, supplementing the initiative shall be invalid.

12. § If the National Election Committee has attested the signature-collecting sheet, or the question, then neither another specimen of the signature-collecting sheets regarding a question with the same content (Article 2), nor a new initiative aimed at ordering the referendum (Article 9) may be submitted

- a)* until the referendum is completed, or
- b)* until the initiative is rejected, or
- c)* until the term available for submitting the signature-collecting sheets elapses without any result.

13. § (1) The specific question asked in the referendum shall be worded in such fashion that it can be answered unambiguously.

(2) The specific question shall be put to the referendum in the form worded in the initiative.

14. § (1) The initiative aimed at ordering the referendum shall be decided after the announcement pursuant to Article 6

a) in the event of obligatory referendum in 15,

b) in the event of optional referendum in 30

days.

(2) The Parliament's resolution on ordering the referendum shall contain whether the referendum is binding or non-binding, the specific question put to the referendum, and shall give orders pertaining to the budget of the referendum.

(3) The Speaker of the Parliament shall in three days inform the President of the Republic about the ordering of the referendum.

15. § The President of the Republic shall call the referendum in 15 days after the term for redress has elapsed without any result, or, in the event of redress, after it has been adjudged.

16. § (1) The referendum shall be called for a date within 90 days after the parliamentary resolution ordering it has been published, or, in the event of redress, after it has been adjudged.

(2) The referendum shall be called in such fashion that the day of voting should not fall on any national holiday, any public holiday, or the days preceding or following them.

(3) Referendum shall not be held on the day of the general elections of parliamentary representatives, or the elections of the members and mayors of local governments, and within the 41 days preceding and following them.

(4) If the referendum may not be called pursuant to paragraph (1) because of the provisions set forth in paragraph (3), the referendum shall be called for a date within the 131 days following the elections.

Popular initiative

17. § The popular initiative shall accurately and unambiguously contain the question proposed to be discussed.

18. § The National Election Committee will refuse to attest the signature-collecting sheet if

a) the question does not fall within the competence of the Parliament,

b) the wording of the question does not comply with the requirements enshrined in the law,

c) the signature-collecting sheet does not comply with the requirements stipulated in the Act on Electoral Procedure.

19. § The popular initiative may be submitted, except for the discontinuance of collecting signatures pursuant to Article 118/A of the Procedural Law, in two months after the attestation of the signature-collecting sheet, once to the Chairman of the National Election Committee. The signatures submitted additionally, supplementing the initiative shall be invalid.

20. § The popular initiative shall be decided in three months after the announcement pursuant to Article 6.

Closing provisions

21. § (1) This Act shall come into force on the day it is promulgated.

(2) Simultaneously with this Act coming into force

a) Act XVII of 1989 on Referendum and Popular Initiative, and Act XXXIX of 1989 and Act XLVI of 1990 amending and supplementing it,

b) paragraph (3) of Article 115 of Act LXV of 1990 on Local Governments.

shall be repealed.

22. § (1) Repealed.

(2) Repealed.

(3) Repealed.

23. § (1) With regard to any referendum ordered prior to this Act coming into force, the provisions in force at the date of ordering it shall apply.

(2) In the event of citizens' initiative aimed at ordering a referendum or popular initiative in progress at the time of this Act coming into force, the Articles 2-3

and the provisions of Article 11 of this Act defining the term of submitting the initiative shall not apply.

(3) The National Election Committee shall examine compliance with the requirements stipulated in clauses *a)-d)* of Article 10, in the event of paragraph (2), prior to checking the signatures.

(4) In the event pursuant to paragraph (2), the initiative aimed at ordering a national referendum shall be submitted in four months, a national popular initiative in two months after this Act comes into force.

*Act C of 1997
on Electoral Procedure (abstract issue)*

Pursuant to the Constitution of the Republic of Hungary, suffrage is universal and equal, voting is direct and secret. To ensure that the exercising of suffrage, the process of elections, referendums and popular initiatives shall be democratic and surrounded by 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 and mayors of local governments as well as the election of local governments for minorities;
- c) national and local referendums;
- d) national and local popular initiatives; and
- e) the electoral procedures regarding which the Act orders that rules of law shall be applied [the provisions set forth in clauses a)-e) shall be referred to jointly as “the election”].

The basic principles of electoral procedure

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

- a) to safeguard the cleanness 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 redress;

f) fast and authentic ascertaining of the results of the elections.

General rules

§ 4 (1) The election shall be called for the latest 72 days before the day of voting.

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

(3) The terms determined under this Act shall be forfeiture terms, they expire, for lack any statutory provision to the contrary effect, 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 completing the elections shall be provided, to the extent ascertained 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 and the rights related to persons and personal data.

(2) The copies of the minutes recording the results of the elections shall be made available free of charge to the nominating organisations and independent candidates. 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, and, the name of the members of the parliamentary single mandate constituency and the territorial election committees in the official journal of the metropolitan, county convention, 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 the day of voting, prior to the termination of voting, the 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.

§ 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 the day of voting, 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, may ask only those stepping out of the polling station.

CHAPTER III

CONSTITUENCIES, ELECTORAL DISTRICTS

§ 9 (1) The 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, serial number and territorial division of electoral districts as well as the address of polling stations shall be ascertained 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. The alterations regarding the setting up of electoral districts shall be monitored by the head of the local election office, who shall 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 identify the electoral district that falls under the constituency selected by him/her by a draw.

§ 11 From calling for the election to the day of voting, the borders, serial number, and the name of the settlement, the name of the street, the number of the house and the topographical lot number may not be changed.

CHAPTER IV
REGISTERING RIGHT OF VOTE

The register

§ 12 After having called for the election, the head of the local election office shall compile, on the grounds of the data of particulars and address registration and the registration of citizens of legal age not having right of vote, the register of citizens having right of vote, and shall continuously bring forward alterations in it.

§ 13 (1) The persons having right of vote whose domicile, or for lack of it, residence (hereinafter referred to as “address”) is located in the electoral district shall be entered into 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) serial 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 day of voting, 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 into the register before the 58th day prior to the day of voting the latest 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 registration territorial system to produce the register, the information notices and the

proposal coupons. The head of the local election office shall arrange for delivering 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 into the register the voter who has

- a) been omitted from the register;
- b) acquired right of vote after the register has been completed; and
- c) regained his/her right of vote; and shall inform the voter about this by sending an information notice.

(2) The head of the local election office shall delete from the register those who have deceased, who have lost their right of vote, or who have been entered into 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 the day of voting.

§ 16 (1) If the voter has changed his/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/her into the register, and inform him/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 was listed in the register;

or

- a) was listed in the register of citizens of legal age not having right of vote, and the reason thereof; or
- b) has received a certificate pursuant to Articles 89 or 104; or
- c) was not listed either in the register, or in the registration of citizens of legal age not having right of vote.

(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 registration of citizens of legal age not having right of vote.

(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/her into the registration of citizens of legal age not having right of vote, and inform the citizen about this.

(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.

(6) In the event provided for under clause d) of paragraph (2), the head of the local election office of the new domicile shall ascertain, on the grounds of confirmation with the particulars and address registration central office, that the right of vote shall hold.

Registration of citizens of legal age not having right of vote

§ 17 (1) In order to ascertain right of vote, the bodies defined under clauses a)-c) shall continuously make alterations in the data pursuant to paragraph (2) of citizens of legal age not having right of vote known to the particulars and address registration central office as follows:

- a) public guardianship authorities proceeding in cases of guardianship about placing 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 particulars and address registration central office shall maintain the registration of citizens of legal age not having right of vote 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 registration.

(4) If a citizen has regained his/her suffrage, or is no longer subject to the particulars and address registration, his/her data shall be annihilated. The data of citizens deleted from the registration of citizens of legal age not having right of vote shall be retained for six months.

§ 18 (1) The registration of citizens of legal age not having right of vote shall be handled by the agency handling 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 particulars and address registration central office may supply data from the registration of citizens of legal age not having right of vote to election committees, election offices and the court, and, in the proceeding of electing lay assessors, to mayors to ensure the completion of elections, and the authentication of the data of those signing the initiation of referendums and popular initiations.

(3) The particulars and address registration central office shall check the candidates' suffrage on the grounds of the data of the registration of citizens of legal age not having right of vote and the particulars and address registration, and shall immediately advise the relevant election office about lack of suffrage.

(4) The particulars and address registration central office may check the suffrage of elected representatives on the grounds of the data of the registration of citizens of legal age not having right of vote and the particulars and address registration, and shall immediately advise the relevant election office about lack of suffrage.

§ 19 The registration of citizens of legal age not having right of vote may be connected to the local, territorial or central particulars and address registration, covering the population of the constituency involved in the election, from the date of calling for 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 redress related to the elections have expired.

§ 20 The registration of citizens of legal age not having right of vote 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.

CHAPTER V ELECTION BODIES

Election committees

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

(2) Election committees shall be:

- a) Ballot counting committees;
- b) local election committees;
- c) parliamentary single mandate constituency election committees;
- d) territorial election committees;
- e) the National Election Committee shall be election committees.

(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 receive within five days after the election, from the election office operating 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 paragraphs (3)-(4) of Articles 24 and 25 as well as 27, only voters having address in the constituency may be members of the election committee, and only voters having 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 conventions, mayors, county/capital-clerks, members of election offices, civil servants of administrative bodies operating in the scope of competence of the election committee, or candidates running in the constituency 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 relatives 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 redress 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 local government of the settlement subsequent to calling for the general elections of members of parliament, the latest on the 20th day prior to the day of voting; 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 [clause 1) paragraph (2) Article 31].

(2) The three, or, at settlements having one constituency, 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 for the general elections of the members and mayors of local governments, the latest on the 51st day prior to the day of voting; 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 territorial election committees respectively shall be elected by the metropolitan, county conventions; 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 for the general elections of the members of parliament, the latest on the 51st day prior to the day of voting.

§ 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 territorial 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 Article 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 before the 16th day prior to the day of voting.

§ 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 Article 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 Article 25, shall last until the date defined in paragraph (1), or the winding up of the faction. The parties which have not delegated any member into the National Election Committee pursuant to Article 25, but have set up a representative group in the Parliament, may delegate one member each, whose commission shall last until the date defined in paragraph (1), or the winding up 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 shall cease;
- b) if the election committee has ascertained the incompatibility of its member; c) through resignation;
- c) by withdrawing the commission.

§ 27 (1) An elected member of the election committee who has died, or whose commission has, for reasons defined under paragraph (4) Article 26, terminated, shall be replaced by an alternate member. For lack of an alternate member, the body of representatives of the local government of the settlement, or the metropolitan, county convention or the committees designated by them, in the event of 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 paragraph (4) Article 26, 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 Article 24 shall be applied when, due to reasons defined therein, the new member into the ballot counting committee or the local election committee has not been elected.

(4) If, on the day of voting, 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 territorial 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 convention, or the Speaker of the Parliament. The text of the oath shall be stipulated 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 deviation 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) The decision of the election committee shall be enshrined in a resolution supported with reasons. Minority opinions, together with their supporting reasons, shall be also recorded in the minutes.

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

(2) The ballot counting committee shall

- a) check the polling station, conduct voting, arrange for the lawful completion of voting;
- b) make decisions on disputed issues arising in the course of voting;
- c) count ballots, and ascertain the results of the election at the polling station;
- d) propose the annulment of the results of voting at the polling station to the election committee when it has recognised any violation of law that has materially affected such results.
- e) issue minutes on the results of voting.

The local election committee

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

(2) The local election committee shall

- a) make decision on entering candidates, lists, nominating organisations into register or refusing them;
- b) select the serial number of lists by a draw;
- c) approve the data content of the ballot papers of the settlement;
- d) make decisions on reserves submitted;

- e) annul the results of voting, if it has ascertained any violation of law that has materially affected such results;
- f) in the event of equal number of votes, select by a draw which candidate shall be given a seat;
- g) ascertain and publish the results of the election;
- h) issue the letter of appointment to the representatives and mayors who are subject to its scope of competence;
- i) call for by-elections, and ascertain the deadlines calculated according to calendar days for them;
- j) in the event any violation of law has been made known to it, initiate the decision of the body having power;
- k) call for the election of the local government for minorities;
- l) at settlements having one constituency, meet the responsibilities of the ballot counting committee.

Parliamentary single mandate constituency election committee

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

- (2) The parliamentary single mandate constituency election committee shall
- a) make decisions on entering candidates, nominating organisations into register or refusing them;
 - b) approve the data content of the ballot papers of the constituency;
 - c) make decisions on reserves submitted;
 - d) annul the results of voting, if it has ascertained any violation of law that has materially affected such results;
 - e) ascertain and publish the results of the election;
 - f) issue the letter of appointment to the representative of the single mandate constituency;
 - g) initiate the call for by-elections with the National Election Committee;
 - h) in the event any violation of law has been made known to it, initiate the decision of the body having power;

Territorial election committee

§ 33 (1) The territorial election committee shall consist of minimum three members.

- (2) The territorial election committee shall

- a) make decisions on entering lists and candidates indicated on them into register or refusing them;
- b) select the serial number of lists by a draw;
- c) approve the data content of the ballot papers of the constituency;
- d) make decisions on reserves submitted;
- e) annul the results of the election, if it has ascertained any violation of law that has materially affected such results;
- f) ascertain and publish the results of the elections;
- g) issue the letter of appointment to the representatives who are subject to its scope of competence;
- h) in the event any violation of law has been made known to it, initiate the decision of the body having power;

National Election Committee

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

(2) The National Election Committee shall

- a) issue a standpoint to ensure uniform interpretation of the rules of law and uniform legal practice with respect to the elections; no redress shall lie against such standpoint; the standpoint shall be published in the Official Journal of Hungary;
- b) make decisions on entering lists and candidates indicated on them, nominating organisations into register or refusing them;
- c) select the serial number of lists by a draw;
- d) approve the data content of the ballot papers of national referendums;
- e) make decisions on reserves submitted;
- f) annul the results of the election, if it has ascertained any violation of law that has materially affected such results;
- g) ascertain which nominating organisations have attained the voting threshold of the % determined by law;
- h) ascertain who have on the grounds of the fragmentary votes aggregated nationally obtained a seat out of the candidates on national lists;
- i) issue the letter of appointment to representatives who have obtained a seat;
- j) ascertain and publish the results of the elections aggregated nationally;

- k) call for parliamentary by-elections, and ascertain the deadlines thereof calculated according to calendar days;
- l) in the event any violation of law has been made known to it, initiate the decision of the body having power;
- m) report on the general elections of parliamentary representatives and members of local governments, and on national referendums to the Parliament;
- n) proceed in any and all matters referred to its sphere of authority by law.

Election offices

§ 35 (1) Election offices are bodies fulfilling the state's responsibilities in connection with preparing, organising, conducting the elections, informing voters, candidates and nominating organisations without any party bias, handling electoral data, creating technical conditions, checking compliance with statutory conditions and professional rules.

(2) Beside each election committee, except for ballot counting committees, an election office shall operate. 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 relevant clerk; the head of the territorial election office shall be the county/capital-clerk.

§ 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 for an indefinite term.

(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.

(2) Representatives, chairmen of county conventions, mayors, members of election committees, persons running as candidates in the constituency and their kin, or 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 such 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 of 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 territorial election office to the head of the parliamentary single mandate constituency and the local election office subject to his/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/her scope 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 convention 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 shall be deemed infringement of the campaign silence period, thus, especially services provided free of charge to 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.

Posters

§ 42 (1) Until the end of the election campaign the 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, 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 the public domain shall apply.

(6) Posters shall be placed in such fashion that they should not cover the posters of other candidates or nominating organisation, and that they may be removed without causing any damage. Posters shall be removed in 30 days from the day of voting 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) With regard to the broadcasters' participation in the election campaign, in other respects, the provisions of the law on radio and television shall apply.

Supply of data

§ 45 (1) The particulars and address registration central office shall deliver the first name(s) and family name and address of voters indicated in the register to the candidates, nominating organisations at their request, for payment of a fee, under equal conditions, after the 20th day prior to the day of voting. This service may be applied for also in a sex, age group or address breakdown.

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

(3) The details of the supply of data provided 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 details of the supply of data shall be annihilated on the day of voting, 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 registration, other state or local government bodies shall not disclose personal data from their own registration to candidates, nominating organisations.

CHAPTER VII

PROPOSAL

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

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

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

(4) Proposals may not be withdrawn.

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

(2) The proposal coupons forwarded to voters shall contain the name of the election. The proposing voter shall indicate his/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/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 in the course of fulfilling obligations of performing work arising from employment relation or other legal relation aimed at performing work;
- b) from persons being in service relation at the armed forces and police authorities, at the place of service, or during fulfilling service responsibilities;
- c) on means of public transport;
- d) at the offices of state and local government bodies.

(3) It is prohibited to either give or promise benefits to the proposer or in consideration of him/her to another person for the proposal, or ask for, accept benefits or promised benefits 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 paragraph (2) Article 47;
 - 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 authentic copy of their court registration as follows:

- a) 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, at the National Election Committee;
- b) 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, at the territorial election committee;
- c) if the nominating organisation intends to run a candidate only in one parliamentary single mandate constituency, or only at one settlement, at the parliamentary single mandate constituency election committee, or the local election committee.

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

(3) Candidates or lists may be presented only by nominating organisations notified pursuant to paragraph (1) and entered into the register in compliance with Article 55.

Notification of the candidate

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

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

a) has suffrage;

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 he/she is elected, 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/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 set up by delivering the certificate made out pursuant to paragraph (1) Article 55 which confirms that the necessary number of candidates required for setting up a list, or the list have been notified or entered into the register.

(2) The provisions set forth under paragraph (2) Article 52 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 seats 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 has been eliminated from the list, he/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 represent checking proposals numerically and in view of the provisions stipulated under paragraphs (2) Article 46, and clauses a)-b) paragraph (1) as well as paragraphs (2)-(3) Article 50, furthermore verifying the identification of the voters delivering the proposal coupons.

Entering the nominating organisation, the candidate and the list into register

§ 55 (1) Regarding the notification of the nominating organisation, the candidate and the list, the election office, regarding entering them into register, the election committee shall issue a certificate.

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

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

(2) The election committee shall refuse to enter the candidate into register 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 enter the list into register, 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/she shall state the latest before the 19th day prior to the election which nomination he/she accepts.

§ 58 The candidate shall be eliminated if he/she has in writing either renounced nomination before the commencement of voting, or lost his/her suffrage, or died. The name of the eliminated candidate shall be deleted from the registration 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 title to nominate may be checked by the election committee in the records of social organisations registered by 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) It is possible to vote from 6:00 a.m. to 7:00 p.m. on the day of voting. 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) Only in person, and, with the exceptions referred to in law, only at the polling station designated according to the voter's domicile is it possible to vote.

(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 the day of voting 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 with regard to the fact of such suspension to ensure the lawful continuation of the voting.

§ 62 (1) The polling station may not be 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 established in each polling station. For voting, a pen shall be placed in the polling booth.

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

Commencement of voting

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

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

(2) The ballot-boxes shall in the presence of the voter who is the first to cast his/her ballot be sealed 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/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 the day of voting; 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 indicated in the register, or who are entered into the register by the ballot counting committee.

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

a) has a certificate;

b) certifies that his/her address is located within the area of the constituency, provided that he/she is not listed in the registration of citizens of legal age not having right of vote.

(3) The ballot counting committee shall refuse voters who cannot properly certify their identity and address, or who, for lack of statutory conditions, may not be entered into 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 the ballot paper over 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, while indicating this fact, two members of the ballot counting committee shall sign the register.

§ 68 (1) For filling in the ballot paper, there are polling booths at the voters' disposal. 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) Only on candidates, lists, referendum questions (in this chapter referred to jointly as “the candidate”) indicated on the official ballot paper is it possible to cast a valid vote. The samples of ballot papers are defined under Annexes 2-9.

(2) It is possible to vote on the 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
- c) 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/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 an incorrectly filled in one.

§ 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.

CHAPTER IX
AGGREGATING BALLOTS

Counting ballots

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

(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) The ballot counting committee shall before opening the ballot-box 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 into a separate group and count up the invalid ballot papers. Shall write the reason for invalidity on the back of the ballot paper, which shall be signed by the members of the ballot counting committee present. Shall 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 shall 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 of vote in the given electoral district, it shall declare, according to the number of persons having unlawfully voted, one vote per candidate out of the valid votes cast on candidates invalid.

(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 separately for each candidate shall be written on the bundles.

(7) If the difference between the ballots attained by the two candidates who have won the most votes does not reach one percent of the valid ballots cast on all of the candidates, or, the difference between their ballots is less than the number of invalid ballots, then the ballot counting committee is obliged to recount the valid and invalid ballots. Recounting shall be pursued until its result becomes identical with the result of any of the previous countings. This result and the fact of recounting shall be recorded in the minutes.

Ascertaining the results

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

(2) The competent election committee shall on the grounds of the minutes made by the ballot counting committees aggregate the ballots and ascertain the results of the election the latest on the day following the day of voting.

Minutes

§ 74 (1) With regard to the counting up of ballots and the ascertaining of the electoral district and election results, minutes shall be made. Minutes may not be drawn up with pencil.

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

(3) The relevant election committee shall deliver one copy of the minutes, at their request, to the representatives present of each candidate respectively. After multiplication, the copy shall be authenticated by the chairman of the election committee by affixing the print of the seal to it and signing it.

§ 75 (1) The ballot counting committee shall immediately transport the minutes, the election documents, printed matters 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 day of voting.

(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 out of turn forward the data content of them through the local election office, the parliamentary single mandate constituency election office and the territorial election office to the National Election Office.

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

CHAPTER X
REDRESSES

General rules of redresses

§ 77 (1) By referring to the infringement of electoral law, candidates, nominating organisations and voters involved, or legal persons may lodge a complaint.

(2) Against the election committee's decision adjudging the complaint or otherwise, reserves may be submitted.

(3) The complaint and the reserve against the ballot counting committee's decision shall be submitted to the election committee entitled to adjudge them. Other reserves shall be submitted to the election committee having made the decision found injurious, which shall address them together with the documents, the latest on the day after they have been received, to the election committee entitled to adjudge them, or the court.

§ 78 (1) The complaint and the reserve (hereinafter referred to as "the reserve") shall be submitted in such fashion that it should be received the latest in three days from the activity or the making of the decision found injurious. The election committee, or the court, adjudging the reserve shall make a decision on the reserve submitted in three days from receipt thereof.

(2) The reserve shall contain the indication of the evidences of the violation of the law and the notify address of the person who has submitted the reserve. Reserves submitted in a deficient form shall be dismissed without examination on the merits.

(3) The election committee may hear the person who has submitted the reserve. In this case, it shall be made possible also for the adverse party to make a statement in person.

(4) The court shall decide the reserve in non-legal proceedings, in a council consisting of three professional judges. In the court proceedings it is obligatory to apply legal representation. The court may hear the representative of the election committee having adopted the resolution contested, or the person who has submitted the reserve.

§ 79 (1) If the election committee or the court admits the reserve, it will

- a) change the decision violating the law; or
- b) annul the decision violating the law, and have the electoral procedure or a part thereof repeated.

(2) The resolution of the election committee and the court shall be on the day it is adopted made known to the parties involved and the relevant election committee. Against the decision of the court no further redress shall lie.

§ 80 (1) Reserves submitted against decisions subject to the competence of the ballot counting committee [clause a) and b) paragraph (2) Article 30] shall be decided by the relevant local, or territorial election committee. Reserves against the election committee's decision shall be decided by the metropolitan, county court.

(2) Reserves submitted against decisions made by the local election committee not subject to the scope of paragraph (1), including the decisions made pursuant to clause 1) paragraph (2) Article 31, shall be decided by the relevant territorial election committee. Reserves against the territorial election committee's decision shall be decided by the metropolitan, county court.

(3) Reserves submitted against decisions made by the territorial election committee not subject to the scope of paragraph (1)-(2) shall be decided by the National Election Committee.

(4) Reserves against the decisions of the National Election Committee shall be decided by the Supreme Court.

§ 81 The general rules of redress shall be applied in procedures related to the compilation of the register and in procedures of redress against the election committee's decision ascertaining the results with the deviations set forth under Articles 82-85.

Redress related to the compilation of the register

§ 82 (1) Because of omission from or having been entered into the register reserves can be submitted during the period the register is publicly displayed. Voters who have been deleted from the register pursuant to paragraph (4) or (5) Article 16, may submit reserves in three days from receipt of the notice to that effect.

(2) The reserve shall be submitted to the head of the local election office, who shall decide the reserve in three days. The voter may contest the dismissal of the reserve by lodging an objection in three days from it is made known to him/her, with the competent local court, in Budapest with the Pest Central District Court. The court shall act as a sole judge.

(3) If the court deems the reserve sufficient, it will order the modification of the register, otherwise, will dismiss the reserve.

§ 83 The decision of the head of the local election office and the resolution of the court shall be made known to the involved party and the person who has submitted the reserve; the resolution of the court shall be also made known to the head of the local election office.

Redress against the election committee's decision ascertaining the results

§ 84 Any reserve against the ballot counting committee's decision ascertaining the electoral district results [paragraph (1) Article 73] shall lie only in conjunction with a reserve against the election committee's decision ascertaining the results of the election.

§ 85 (1) Against the election committee's decision ascertaining the results of the election [paragraph (2) Article 73], reserves may be submitted with reference to

- a) the unlawful nature of the ballot counting committee's decision ascertaining the electoral district results; or
- b) the violation of the rules pertaining to aggregating the electoral district results and ascertaining the results of the election

in such fashion that such reserves shall have been received by the election committee's having made the decision found injurious on the day following the election committee's decision.

(2) The election committee entitled to adjudge the reserve shall decide the reserve the latest on the day following the receipt thereof. Any reserve against the election committee's decisions shall be submitted in such fashion that it shall have been received by the election committee having made the decision found injurious on the day following the election committee's decision. The court shall decide the reserve the latest on the day following receipt thereof.

PART TWO

SPECIAL PROVISIONS

CHAPTER XIII

GENERAL REFERENDUM

§ 116 The provisions of Chapters I-X and Article 89 shall be applied at the national referendum in compliance with the deviations set forth in this Chapter.

Initiation of the referendum

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

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

§ 118 (1) On the day when the term of legal remedy pursuant to paragraph (1) of Article 130 has passed without any result, in the event of legal remedy, on the day the Constitutional Court's confirmatory decision on the attestation

resolution is published in the Hungarian Gazette, the head of the National Election Office shall apply an attestation clause to the specimen of the signature-collecting sheet. The collection of signatures may be commenced with a copy of the signature-collecting sheet with the attestation clause applied to it.

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

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

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

(5) The citizen collecting signatures shall apply his/her signature to the signature-collecting sheet.

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

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

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

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

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

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

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

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

Ordering and calling for the referendum

§ 122 (1) The referendum shall be called 35 days before the day of voting the latest.

(2) The referendum may be also called for a date within the period pursuant to paragraph (1), if the President of the Republic has already called a referendum regarding another matter, there are at least 20 days left before its date, and the simultaneous completion of the referendum regarding the new issue does not endanger the legality of voting.

(3) The resolution on ordering and calling the referendum shall be published in the Hungarian Gazette.

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

Election bodies

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

a) ballot counting committees,

b) at settlements having one electoral district the local election committee carrying out the tasks of the ballot counting committees,

c) territorial election committees,

d) the National Election Committee.

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

a) local election offices,

- b) parliamentary single mandate constituency election offices,
- c) territorial election offices,
- d) the National Election Office.

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

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

Voting

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

(2) In the event of several questions, the questions shall be indicated on the ballot-paper in the order of ordering the referendum, applying unbroken numbering to them.

Aggregating the ballots

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

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

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

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

Redress

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

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

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

(4) Reserves lodged against decisions that fall within the competence of the ballot counting committee [clause *a*) and *b*) paragraph (2) of Article 30], including the local election committee's decision made pursuant to clause *l*) paragraph (2) of Article 3, shall be decided by the competent territorial election committee. Reserves against the territorial election committee's decision shall be decided by the metropolitan, county court.

Act IX of 2003
On the amendment of Act C of 1997 on Electoral Procedure

§. 1 Article 151 of the Act C of 1997 on Electoral Procedure (hereinafter referred to as Ep.) shall be supplemented with the following new paragraph (3):

„(3) Paragraph (1) of the articles 61 and 71 shall be implemented with the deviation that it is possible to vote until 9 p.m. and the chairman of the ballot counting committee shall close the polling station at 9 p.m.”

§ 2 Article 151 paragraph (3) of the Ep. declared with Article 1 of this act shall come into force after the eighth day of its promulgation and shall be repealed on the day the act promulgating the international treaty on the accession of the Republic of Hungary to the European Union comes into force.

*Act IV of 1978
on the criminal code
(abstract issue)*

***Chapter XVII
Economic crimes***

***Title I
Crimes violating management obligations and order of management
Computer fraud***

300/C. § (1) Anyone who for the sake of illegal gains or causing damage influences the result of any computer data processing by changing the program, deletion, feeding erroneous or deficient data, or by applying other inadmissible operations, shall commit a crime, and shall be sentenced to maximum three years' imprisonment.

(2) The punishment shall be a) maximum five years' imprisonment, if the computer fraud causes substantial damage; b) minimum two, maximum eight years' imprisonment, if the computer fraud causes specially great damage; c) minimum five, maximum ten years' imprisonment, if the computer fraud cause specially substantial damage.

(3) Anyone who commits the action described in paragraph (1)-(2) by applying electronic cards that serve the use of public purpose telephone service, or public purpose mobile radio telephone service, or by changing the program of a microcomputer controlling a public purpose mobile radio telephone, shall also commit a crime.

Resolution 114/2002. (XII.23.) of the Parliament on the financial support of the binding national referendum on 12 April 2003

The Parliament

1. agrees with the use of maximum Ft4 billion in the chapter of the Ministry of the Interior to successfully implement the preparation and completion of the national referendum of 2003.
2. This resolution shall come into force on the day it is promulgated.

Dr. Katalin Szili signed
Speaker of the Parliament

Nóra Nagy signed
Recording Secretary of the Parliament
Parliament

László Vincze signed
Recording Secretary of the

Decree 33/2002. (XII. 23.) of the Minister Of the Interior on the procedural terms and deadlines of the national referendum called for 12 April 2003

On the grounds of the authorisation pursuant to clause b) paragraph (1) of Article 153 of Act C of 1997 on Electoral Procedure (hereinafter referred to as “the Procedural Law”), I shall determine the terms and deadlines calculated according to calendar days of the national referendum called for 12 April 2003 as follows:

The registration of voters

1. § (1) The register shall be publicly displayed from 25 March to 1 April 2003 (Article 123 of the Procedural Law).
- (2) The notice on having been entered into the register shall be sent to voters between 20 March and 27 March 2003 (Article 123 of the Procedural Law).
- (3) Reserves may be submitted because of having been omitted from or entered into the register from 25 March to 04:00 p.m. 1 April 2003 [Paragraph (1) of Article 82 of the Procedural Law].
- (4) Certificates may be applied for either personally or via a delegate before 04:00 p.m. 10 April 2003, and by registered mail in such fashion that the letter shall have arrived at the election office before 7 April 2003. Certificates may be issued before 04:00 p.m. 10 April 2003 the latest. [Paragraph (4) of Article 89 of the Procedural Law].
- (5) The modified register may be inspected before 04:00 p.m. 10 April 2003 at the mayor’s office [Paragraph (3) of Article 15 of the Procedural Law].

Establishing election bodies

2. § The delegated members of the election committees may be notified by the parties having a parliamentary representative group before 04:00 p.m. 27 March 2003 the latest [Paragraph (2) of Article 25 and Paragraph (1) of Article 125 of the Procedural Law].

Campaign

3. § (1) The campaign shall last until 12:00 p.m. 10 April 2003 [Paragraph (1) of Article 40 of the Procedural Law].
- (2) No campaign shall be pursued from 0:00 a.m. 11 April to 7:00 p.m. 12 April 2003 [Paragraph (2) of Article 40 of the Procedural Law].
- (3) The result of public opinion polls related to the referendum shall not be published from 4 April to 7:00 p.m. 12 April 2003 [Paragraph (1) of Article 8 of the Procedural Law].
- (4) Posters shall be removed by those who have placed them or on behalf they have been placed before 12 May 2003 [Paragraph (6) of Article 42 of the Procedural Law].

Aggregating ballots

4. § (1) A copy of the electoral district minutes may be inspected at the local election office before 4:00 p.m. 15 April 2003 [Paragraph (2) of Article 75 of the Procedural Law].

(2) The ballot papers shall be preserved at the mayor's office until 11 July 2003. After 11 July 2003, the election documents, except for the minutes, shall be annihilated [Paragraph (3) of Article 75 of the Procedural Law].

(3) The minutes shall be handed over to the competent archives on 14 July 2003 [Paragraph (4) of Article 75 of the Procedural Law].

5. § This Decree shall come into force on the day it is promulgated.

Decree 34/2002. (XII. 23.) of the Minister of the Interior on the implementation of Act C of 1997 on Electoral Procedure at national referendum and national popular initiative

On the grounds of the authorisation provided for in clauses a) and c)-f) paragraph (1) of Article 153 of Act C of 1997 on Electoral Procedure (hereinafter referred to as the Procedural Law), I shall order the following:

Part I
NATIONAL REFERENDUM

Chapter I
THE RESPONSIBILITIES OF ELECTION OFFICES

1. § (1) The election offices shall be responsible for preparing and conducting the national referendum in terms of organisation, management, Information Technology, pursuant to the provisions set forth under this Decree.

(2) The election offices shall

a) be responsible for the organisation of the preparation and completion of the referendum;

b) contribute to performing tasks related to the accounting and internal supervision of electoral monetary assets determined under a special decree;

c) arrange for informing voters through the election information services and perform other information tasks;

d) carry out administration and IT pilot runs related tasks. The election offices that take part in the pilot runs shall be appointed by the head of the National Election Office (hereinafter referred to as NEO);

e) contribute to aggregating ballots, ascertaining the result of the referendum;

f) operate the computer systems necessary for completing the referendum;

g) provide the material, technical conditions required for the operation of the election bodies and the completion of the voting, if necessary, arrange for supplementing election committees, electing new members;

h) arrange for the training of the members of the election bodies;

i) carry out the secretarial tasks of the election committees, prepare the matters falling within the competence of the election committees for decision making;

j) immediately forward reserves submitted to the election office operating beside the election committee entitled to adjudge issues, and to the court,

k) arrange for the management, secure guarding, transfer to the archives and annihilation of the electoral documents.

(3) The computer system of the election is based on the administrative network of the Ministry of the Interior, the Central Data Processing, Registration and Election Office of the MI (hereinafter referred to as “CO MI”), the computer park of the administrative offices and records offices. The IT tasks shall be carried out under the IT control of CO MI with the contribution of the above listed agencies and bodies. The computer system of the referendum is run by CO MI with the contribution of the administrative offices. It is the head of the election office that shall make decisions, in agreement with the head of CO MI, regarding the use of the computers to provide information not connected to the administrative network of MI.

(4) At the time of national referendum, the local election office of each settlement operating a records office (hereinafter referred to as LEO) shall carry out computerised data processing.

(5) The head of LEO shall decide whether to use computer to develop the register.

(6) At the written request of the head of the LEO operating the records office, the head of TEO may allow the LEO not to use computer to check data sheets, electoral district minutes (computer checking system), or to aggregate electoral district data in order to report the turnout at the referendum during the day.

LOCAL ELECTION OFFICE

2. § An independent local election office will operate at each settlement. At settlements that belong to a District Recorder’s office, the responsibilities of the LEO will be completed by the LEO of the seat settlement.

The responsibilities of the local election office related to the initiation of the referendum

3. § The LEO shall pursuant to the resolution of the National Election Committee (hereinafter referred to as NEC), in compliance with the provisions set forth therein, contribute to checking the identity of the voters that sign the signature-collecting sheet.

The responsibilities of the local election office during the period prior to the day of voting

4. § (1) The LEO shall

a) publish an announcement on the date the register is displayed in public, and displays the register in public;

b) inform voters by sending them an information notice on the date, time and place of voting, and that they have been entered into the register;

c) perform the tasks related to the certificate;

- d)* receive the notification of the members delegated to the ballot counting committees (hereinafter referred to as BCC), arrange for their administration of an oath, publish the way it is customary locally the names of the members of BCC and the head of LEO as well as the address of the offices of LEO;
- e)* organise voting with mobile ballot-boxes for voters hindered in movement;
- f)* arrange for receiving the central printed matters at the place and time determined by the territorial election office (hereinafter referred to as TEO), fulfilling the management tasks related to these;
- g)* arrange for producing printed matters to be made locally;
- h)* receive the transport boxes assembled centrally for each electoral district; check their content; place the closed envelopes containing the password and ensure that they are preserved until the day of voting;
- i)* until the day of voting, enter the electoral district identification number on the data sheets and minutes;
- j)* on the day prior to voting, prepare and deliver with notice of receipt to the chairmen of the BCC's or their deputies the printed matters, documents and stamps necessary for completing the voting;
- k)* ensure the technical conditions required for voting, and the equipment in the polling stations.

(2) The head of the LEO shall

- a)* arrange to compile, continuously maintain the register, produce notices on having been entered into the register, and to maintain the list containing citizens of legal age not having right of vote;
- b)* make decision regarding reserves because of having been omitted from or entered into the register;
- c)* enter voters who want to vote with a certificate into the register;
- d)* maintain the list of the citizens entered into the register on the grounds of the certificate as well as the citizens deleted from the register on the grounds of the certificate;
- e)* on the grounds of claims announced, against payment of a fee, deliver a copy of the register publicly displayed to the claimant;
- f)* organise the forwarding and processing of reports, data sheets and electoral district minutes made during the day, taking the provisions of the heads of parliamentary single mandate constituency election office (hereinafter referred to as PSCEO) and TEO into consideration.

The responsibilities of the local election office on the day of voting

5. § (1) The Keeper of the Minutes acting beside the BCC shall

- a) contribute to properly equipping the polling station (e.g., installing polling booths according to rules; closing ballot-boxes properly, etc.);
- b) arrange to maintain the register, and the list of those refused, the list of those asking for mobile ballot-box and the list of the citizens entered into the register on the grounds of a certificate;
- c) supply data to the information system running during the day;
- d) forward the minutes made out about extraordinary events occurred during voting to the head of LEO;
- e) fill in the data sheets and contribute to filling in minutes and transporting them as well as other electoral documents to the seat of LEO.

(2) The LEO shall

- a) provide the conditions required for the operation of the BCC and the legality of the voting, forward reserves submitted against decisions of the LEO to the TEO;
- b) arrange to receive, aggregate and forward data arriving from electoral districts, and ensure the operation of the technical equipment necessary for carrying out these tasks;
- c) receive data sheets, and electoral district minutes, check and arrange to forward them, furthermore, if it operates a records office at the settlement, perform entry of data into the computer.

The responsibilities of the local election office on the day after voting

6. § The LEO shall

- a) arrange for safe storage and forwarding of the minutes and other election documents received from BCC;
- b) the latest on the day following the day of voting, process the electoral district minutes or forward them to be processed in compliance with the orders of the heads of TEO and PSCEO;
- c) arrange to ensure that electoral district minutes can be inspected and safe storage of minutes and other election documents.

***PARLIAMENTARY SINGLE MANDATE CONSTITUENCY ELECTION
OFFICE***

7. § (1) The LEO of the settlement operating a records office designated, in agreement with the heads of PSCEO and LEO, by the head of the TEO, shall fulfil the responsibilities and competence determined under this Decree for the PSCEO's. The area of competence of such LEO's shall be determined by the head of the TEO, who shall inform the head of the NEO about this.

(2) The LEO of the settlement operating a records office shall fulfil the tasks with regard to its own settlement prescribed by the PSCEO's for it.

(3) In the capital the area of competence of PSCEO shall coincide with the area of the district in which its seat is located.

The responsibilities of the parliamentary single mandate constituency election office during the period prior to the day of voting

8. § In addition to the responsibilities set forth in Article 3 and 4 of the Decree, the PSCEO shall as a further task covering its area of competence carry out the prescribed data processing and data forwarding tasks.

The responsibilities of the parliamentary single mandate constituency election office on the day of voting

9. § In addition to the responsibilities set forth in paragraph (2) of Article 5 of the Decree, the PSCEO shall as a further task covering its area of competence

a) process the data of reports made during the day;

b) fulfil the prescribed data processing and data forwarding tasks under the ballot aggregating system;

c) arrange to prevent disturbances, emergencies hindering the aggregation of ballots; see to it, when necessary, that the alternate solutions stipulated for emergencies are applied, and inform the heads of TEO and LEO about such actions.

The responsibilities of the parliamentary single mandate constituency election office after the day of voting

10. § In addition to the responsibilities set forth under Article 6 of the Decree, the PSCEO shall as a further task, the latest on the day after the voting, receive the electoral district minutes of the settlements located in its area of competence, and process them the latest before the due date determined by the head of TEO, or check whether they have been processed.

TERRITORIAL ELECTION OFFICE

11. § (1) The head of the TEO may in writing transfer control of the activities of the LEO's, determined under this Decree, that are subject to the area of competence of the PSCEO, and the supervision of the fulfilment of their responsibilities to the head of the PSCEO.

(2) The TEO shall fulfil the electoral IT tasks with the contribution of the civil servants of the administrative office, who carry out these tasks as members of the TEO.

The responsibilities of the territorial election office during the period prior to the day of voting

12. § (1) The TEO shall

a) receive the notification of the members delegated to the territorial election committee, arrange for their administration of an oath, publish the way it is customary locally the name of the members of the territorial election office and the head of the TEO, and the address of offices of the TEO;

b) contribute through the administrative office to installing the computers and their programs, help to operate them, monitor the operation of the computer network between the PSCEO's, other settlements linked to the administrative network of the MI and the TEO.

(2) The head of the TEO shall

a) control and check the activity of PSCEO's and LEO's;

b) determine the order of distributing central printed materials;

c) issue its directive on the rules of implementation of forwarding and processing minutes, which allows that the processing of minutes can be completed before 2:00 p.m. on the day after voting;

d) supervise the organisation of forwarding and processing data sheets and minutes, identify the venue of data processing to be operated to replace a records office falling out in the event of emergency.

The responsibilities of the territorial election office on the day of voting

13. § The TEO shall

a) supervise the operation of the system of reports made during the day and the ballot aggregating system;

b) arrange to prevent disturbances, emergencies hindering data processing; see to it, when necessary, that alternate solutions are applied, and inform the head of NEO about such actions;

c) inform the public through the central information system.

The responsibilities of the territorial election office after the day of voting

14. § The TEO shall fulfil the duties related to receiving minutes and forwarding them to the NEO.

NATIONAL ELECTION OFFICE

The responsibilities of the National Election Office regarding the initiation of the referendum

15. § (1) The NEO shall

a) arrange to publish the NEO's decision on the attestation of the signature-collecting sheet in the Hungarian Gazette;

b) forward reserves submitted against the NEO's decision on the question to be put in the referendum, and the attestation of the signature-collecting sheet, and the checking of the signatures to the Constitutional Court and the Supreme Court;

c) when submitting the initiative, and in the event determined in paragraph (1) Article 118/A of the Procedural Law, arrange for receipt and safe storage of the signature-collecting sheets submitted in a closed package. Minutes shall be taken of the receipt;

d) by applying statistical and mathematical methods, if necessary by examining signatures item by item, supply data to the NEC to ascertain the number of the signatures that can be considered valid;

e) pursuant to the NEC's decision, contribute to checking the identity of the voters that have signed the signature-collecting sheet;

f) pursuant to Article 121 of the Procedural Law, arrange to annihilate the signature-collecting sheets, and take minutes thereof.

(2) The head of NEO

a) after the NEC's decision on the attestation of the signature-collecting sheet has entered into effect, deliver the signature-collecting sheet with the attestation clause applied to it (sample 6 in Appendix 5) to the initiator. The attestation clause shall contain the number of the NEC's resolution, the day when the resolution enters into effect as date, the signature of the head of the NEO and the print of its stamp;

b) in the event determined in paragraph (2) of Article 118/A of the Procedural Law, on the day the prohibitive period expires, apply a new attestation clause to the other specimen of the signature-collecting sheet, being equal in content and form to the specimen previously attested.

The responsibilities of the National Election Office during the period prior to the day of voting

16. § The NEO shall

a) accept the notification of the members delegated to the NEC, arrange for their administration of an oath, publish the name of the members of the NEC and the head of the NEO, and the address of the offices of NEO in the Hungarian Gazette;

b) produce professional information brochures, guides, hold professional meetings, arrange nationwide training programs;

c) organise management and technical pilot runs;

d) carry out tasks related to informing voters on national level;

e) determine the order of reporting and checking with regard to carrying out each task;

f) arrange for the production and transportation of the central printed matters necessary for the referendum;

g) arrange for the development, installation and operation of preparatory systems, the information system, the ballot aggregating computer system, the building of the remote data processing network, and the operation of the central aggregating and information systems..

The responsibilities of the National Election Office on the day of voting

17. § (1) The NEO shall

a) receive and aggregate informative data generated during the day, and publish them;

b) inform NEC regarding extraordinary events occurred during the day;

c) continuously inform the public.

(2) NEO shall operate the national election centre, and inform NEC about the preliminary results of the election.

The responsibilities of the National Election Office after the day of voting

18. § The NEO shall

a) receive the electoral district minutes before 2:00 p.m. on the day after voting;

b) provide NEC with data with a view to ascertain and publish the results of the election;

c) develop statistics, statements;

d) forward reserves submitted against the NEC's decision on the result of the referendum to the Supreme Court;

e) arrange for the publication of the result of the referendum in the Hungarian Gazette;

f) operate the system that indicates the probability of abuses.

Chapter II

ESTABLISHING THE ELECTORAL DISTRICTS

19. § (1) Prior to calling the referendum, at a time determined by the head of the NEO, the head the LEO shall review the establishment of electoral districts, and bring forward the changes that have occurred since the previous elections. The review shall include if necessary the updating of the electoral districts pursuant to paragraph (2) of Article 10 of the Procedural Law.

(2) The TEO shall through the administrative office, in order to carry out the task defined in paragraph (1), send the LEO the address files available, adding to

them the number of Hungarian citizens having domicile, for lack of it, residence, on the given address, specially indicating the number of citizens of legal age.

(3) In the event of any changes regarding the previously established electoral district or establishing new electoral districts, the head of LEO shall inform the administrative office about the modifications, otherwise about the fact that no changes have occurred.

(4) The head of the TEO shall check the legality of the establishment of the electoral districts, and inform the head of the NEO on the result of the checking.

(5) On the grounds of the assembled district files, or the district lists, the administrative office shall develop the district files of the county/capital in the computer, and forward them to the central office of the particulars and address registration.

20. § Apart from the date referred to in paragraph (1) of Article 19, the head of the LEO shall monitor the changes affecting the arrangement of electoral districts, modify the establishment of electoral districts accordingly, and immediately inform the administrative office about such modifications.

Part II

NATIONAL POPULAR INITIATIVE

21. § With regard to the national popular initiative the provisions of Articles 3 and 15 shall apply.

CLOSING PROVISIONS

22. § The tasks connected to the registration of suffrage are set forth in *Annex 1*, the report made during the day on the turnout of the voting and extraordinary events in *Annex 2*, the preliminary ballot aggregation in *Annex 3*, the aggregation of ballots in *Annex 4*, the list and samples of the printed matters to be obligatorily used in *Annex 5* of the Decree

23. § This Decree shall come into force on the first day of the month following the day it is promulgated, its provisions shall be applied during the national referendum or popular initiative prescribed in Article 79 of Act XX of 1949 on the Constitution of the Republic of Hungary, and initiated after it has come into force.

*Measure 2/2003. (III. 20.) of
the Head of the National Election Office
on the participation of international observers and the international media in
the referendum called for 12 April 2003, preceding the accession to the
European Union*

Acting in my power set forth in paragraph (1) of Article 39 of Act C of 1997 on Electoral Procedure, with regard to the participation of international observers and the international media in the referendum called for 12 April 2003, preceding the accession to the European Union, I issue the following measure:

1. Hungary as a signatory of the 1990 Copenhagen Documents on the Human Dimension of the Organisation for Security and Co-operation in Europe has assumed an obligation to call observers from the participating countries of OSCE and proper non-governmental organisations to monitor the elections to be held in the country. Accordingly, each election office shall further the legal and successful conducting of foreign election monitoring.

2. While conducting foreign election monitoring, the relevant provisions of electoral law shall be consistently complied with, which apply especially in three aspects:

a) The operation and activity of the election committees and the data available to them are, except for the cases stipulated by law, public. The publicity of the election procedure may not prejudice the secrecy of voting and the rights related to the person and the protection of personal data (cf. Pr. (1) Art. 6 of Act C of 1997).

b) Similarly to the representatives of the media, international election observers may be present and follow the work of election committees, subsequently, also the work of ballot-counting committees, however, they may not disturb them in their activity (cf. Art. 7 of Act C of 1997), or give instructions to them.

c) The chairman of the ballot-counting committee is responsible for maintaining order in the in the polling-station and its neighbourhood on the day of voting; the measures taken to maintain order is binding on everybody, thus, also on international election observers (cf. Pr. (1) Art. 65 of Act C of 1997).

3. Any person who has him or herself registered in this capacity with the National Election Office, and to whom the National Election Office has issued an accreditation pass, on the grounds of credible verification of his or her identity and legitimacy, can be considered an international election observer in the national referendum. International election observers shall while pursuing their activity either pin up or present their accreditation pass. The accreditation card will also serve as an entry pass to the National Election Centre (Duna Palace of the Ministry of the Interior, Budapest, V., Zrínyi u. 5.).

4. Representatives of the international media in the national referendum shall have themselves registered in this capacity with the National Election Office. The National Election Office will issue an accreditation pass to the representatives of the international media on the grounds of credible verification of their identity and legitimacy and title as journalists. Representatives of the international media shall while pursuing their activity either pin up or present their accreditation pass. The accreditation pass will also serve as an entry pass to the National Election Centre (Duna Palace of the Ministry of the Interior, Budapest, V., Zrínyi u. 5.). With regard to issues not provided for under the present Measure, the representatives of the international media are entitled to have the same rights pertaining to the elections as the international election observers.

5. In the period prior to the day of voting, international election observers, or the representatives of the international media, in order to pursue their activity in this respect, may:

- a) attend press conferences held for international observers or the international media;
- b) lay claim to information materials either in Hungarian or a foreign language in connection with Hungary and Hungarian electoral law;
- c) study election materials available on the Internet or other public electronic systems;
- d) after having made an appointment in advance, gather information on the preparatory works of the elections at the National Election Office or election offices.

6. On the day of voting international election observers:

- a) may study the commencement and progress of voting on site at any electoral district selected by them; each ballot-counting committee is obliged to provide this possibility;
- b) must notify their intention to observe on site to the chairman of the ballot-counting committee;
- c) may receive information on any election related issues of public interest;
- d) may be present (as observers) during the process of counting the ballots and may receive oral information on its result;
- e) may follow at the National Election Centre the reception, processing of election results coming in. May attend press conferences. Are entitled to receive preliminary information materials. May follow the progress of election results on the screens of monitors.

7. After the day of voting, international election observers or representatives of the international media may attend the meeting giving information on the preliminary and the final election results at the National Election Centre.

8. International election observers are entitled to make their experience known at the press conferences organised for them by the National Election Office, in interviews given to the representatives of the domestic or foreign media, or in other forms (e.g., by giving a copy of their report made on their activity as election observers to the National Election Office).

9. The head of the county (metropolitan) election office may pursuant to the provisions set forth in paragraph 3 receive acting in his/her own sphere of authority international observers in his/her territory of competence, provided that the inviting party is either the local government, or a political party, or a non-governmental organisation operated in this territory of competence. In order to register, and subsequently forward informative materials on the process of conducting the elections to the person concerned, the National Election Office shall be informed about the completion of the accreditation by sending particulars. The accreditation pass issued by the territorial election office does not in itself authorise its bearer to enter the National Election Centre; and, provides the observer with powers determined in this Measure solely in the territory of the given Territorial Election Office. The head of the Territorial Election Office is responsible for making each publication made locally available to international observers and representatives of the international media.

10. In his/her territory of competence, the head of the Territorial Election Office shall:

- arrange for providing the heads of Local Election Offices with information and properly preparing the chairmen of Ballot Counting Committees.
- provide the head of the National Election Office with information on inviting international guests, the number of participants and the experience formulated by them in the report on conducting the national referendum.

Budapest, 20 March 2003

Emília Rytkó
Head of the National Election Office