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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

Act CLXVII of 2020
on the Amendment of Certain Acts relating to Elections

**Unofficial translation*

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Contents

1. Amendment to Act L of 2010 on the Election of Municipal Representatives and Mayors.....	3
2. Amendment to Act CLXXIX of 2011 on the Rights of National Minorities	3
3. Amendment to Act CCIII of 2011 on the Elections of Members of Parliament	3
4. Amendment to Act XXXVI of 2012 on the National Assembly	3
5. Amendment to Act XXXVI of 2013 on Electoral Procedure.....	3
6. Amendment to Act LXXXVII of 2013 on the Transparency of Campaign Costs related to the Election of the Members of the National Assembly	15
7. Amendment to Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens' Initiative and Referendum Procedure.....	16
8. Final provisions.....	17
Annex 1 to Act CLXVII of 2020	19
The content of the central electoral register	19

1. Amendment to Act L of 2010 on the Election of Municipal Representatives and Mayors

Section 1 (1) Subsection (1) of Section 8 of Act L of 2010 on the Election of Municipal Representatives and Mayors (hereinafter referred to as “Övjt.”) shall be replaced by the following:

“(1) A voter may propose multiple candidates or lists per nomination type but may accept nomination only in one municipality and county in which the municipality is located, or in one capital city district and in the capital city.”

(2) Subsection (6) of Section 8 of Övjt. shall be replaced by the following:

“(6) Voters shall not be candidates on a county list and in a city with county rights simultaneously. Voters shall not be candidates on a county list and candidates for mayor in a city with county rights simultaneously.”

2. Amendment to Act CLXXIX of 2011 on the Rights of National Minorities

Section 2 The following Subsection (7) shall be inserted in Section 102 of Act CLXXIX of 2011 on the Rights of National Minorities:

“(7) The representative body, general assembly shall, in the case of an oral resignation, inform the election commission on the working day following the meeting of the representative body, general assembly, and on the working day following receipt of the written resignation, by sending a copy of the written resignation.”

3. Amendment to Act CCIII of 2011 on the Elections of Members of Parliament

Section 3 Subsection (1) of Section 8 of Act CCIII of 2011 on the Elections of Members of Parliament shall be replaced by the following:

“(1) A party list may be drawn up by any political party which nominated candidates independently in at least seventy-one single-member constituencies within at least fourteen counties and in Budapest.”

4. Amendment to Act XXXVI of 2012 on the National Assembly

Section 4 (1) Subsection (2) of Section 79 of Act XXXVI of 2012 on the National Assembly (hereinafter referred to as “Ogytv.”) shall be replaced by the following:

“(2) The person legally registered as a candidate at the election of the Members shall – with the exception provided for in Subsection (3) – enjoy, until the election result is made final, the same immunity as Members, except that the suspension of immunity shall be decided upon by the National Election Commission and the motion for the suspension of immunity shall be submitted to the President of the National Election Commission.”

(2) In Subsection (3) of Section 79 of Ogytv.

a) the term “verified” shall be replaced by the phrase “legally registered”;

b) the term “verification” shall be replaced by the phrase “legal registration”.

5. Amendment to Act XXXVI of 2013 on Electoral Procedure

Section 5 Subsections (1) and (2) of Section 13/A of Act XXXVI of 2013 on the Electoral Procedure (hereinafter referred to as “Ve.”) shall be replaced by the following:

“(1) Courts shall make provision on the question of exclusion from suffrage in decisions ordering placement under partial or total conservatorship limiting competency and in decisions on review.”

(2) Courts shall exclude persons of legal adult age from suffrage whose capacity required to exercise suffrage, as a consequence of a mental disorder

a) is greatly reduced permanently or recurrently; or

b) is permanently and completely lost.”

Section 6 The following Subtitle 9/B shall be inserted in Chapter I of Ve.:

“9/B Revote

Section 13/B (1) In the event of a revote, the GENERAL PROVISIONS must be applied with the deviations stipulated in this section.

(2) The persons entitled to appoint members of the polling station commission may, up to the fifth day before the day of voting, also appoint members to the polling station commission which did not have the maximum number of members present during the revote.

(3) The local election office shall immediately provide voters, by means of a notice, with the information about the revote.

(4) The persons entitled may request data to be supplied from the electoral register as specified in Sections 153-155, while the general rules must be applied to the running of the campaign.

(5) The resignation of a candidate before 16:00 on the day before the revote may have a legal effect.

(6) If a candidate or list is eliminated after a revote, the votes cast for the eliminated candidate or list in the polling districts not affected by the revote shall be considered invalid votes when the results of the election are declared.”

Section 7 The following Subtitle 9/C shall be inserted in Chapter I of Ve.:

“9/C Destruction of election documents

Section 13/C On the working day falling on the ninetieth day after voting, the destruction must be carried out of

a) requests concerning the polling district electoral registers and the decisions made during the assessment of them;

b) any electronic or printed copy of the polling district electoral registers, the register of voters requesting mobile voting, the register of foreign representations, the register of postal voters and the register pursuant to Section 267/A;

c) data as supplied according to Sections 335-337;

d) registered personal details of the observers;

e) recommendation sheets;

f) ballot papers, list of refused voters, review sheets, declarations confirming identification for postal voting and reply envelopes.”

Section 8 Subsection (1) of Section 15 of Ve. shall be replaced by the following:

“(1) Members of polling station commissions and members of the election commission completing the vote counting shall be exempted from performing work stipulated by law on the day following voting, and are entitled to receive average wages for this period to be paid by their employer.”

Section 9 (1) Subsection (3) of Section 19 of Ve. shall be replaced by the following:

“(3) The monthly remuneration of elected members of the National Election Commission shall be twelve times the amount of civil servants' base salary. The monthly remuneration of the President of the National Election Commission shall be twenty-one times the amount of civil servants' base salary.”

(2) The following Subsection (6) shall be inserted in Section 19 of Ve.:

“(6) A member of the National Election Commission shall be entitled to a proportionately reduced part of the remuneration specified in Subsections (3) and (4) for the given calendar year if they have not attended at least 20% of the meetings in the previous calendar year without justification. The detailed rules for justifying absence from a meeting shall be set out in the Rules of Procedure pursuant to Subsection (1) of Section 42. The reduction in the remuneration for a given calendar year shall be ordered by the President of the National Election Commission.”

Section 10 Section 21 of Ve. shall be replaced by the following:

“Section 21 Three members and at least two alternate members of territorial election commissions shall be elected by the metropolitan and county assemblies between 1 April and 31 May of the year of the general election of municipal representatives and mayors; their nomination shall be proposed by the head of the territorial election office.”

Section 11 Section 23 of Ve. shall be replaced by the following:

“Section 23 Three members – five in the case of settlements with a single polling district – and at least two alternate members of the local election commission shall be elected by the representative body of the settlement's municipality between 1 April and 31 May of the year of the general election of municipal representatives and mayors; their nomination shall be proposed by the head of the local election office.”

Section 12 Section 24 of Ve. shall be replaced by the following:

“Section 24 (1) The members of the polling station commissions shall be elected in the required number by the representative body of the settlement's municipality after the calling of the general election of Members of Parliament and no less than twenty days before the day of voting; their nomination shall be proposed by the head of the local election office. The members of the polling station commission shall also be elected at settlement level.

(2) The head of the local election office shall allocate the elected members to the polling station commissions for the given election after the election has been called, no later than on three days before voting. The allocation may be changed by the head of the local election office at any time except on polling day.

(3) Three elected members shall be allocated to a polling station commission. If the number of delegated members of the polling station commission is less than two, the head of the local election office shall supplement the polling station commission so that the number of its members is five.

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

(5) The head of the local election office may add the necessary number of additional members to the polling station commission if the number of voters requesting mobile voting exceeds forty.

(6) The polling station commissions of polling districts designated pursuant to Section 78 shall be supplemented – at least three days before voting – by the head of the local election office with the necessary number of additional members if the number of voters in the electoral register exceeds one thousand five hundred.”

Section 13 The following Subsection (4) shall be inserted in Section 30 of Ve.:

“(4) Notification of the delegated member of the polling station commission may also be submitted in person to the head of the parliamentary single-member constituency election office competent according to the location of the local election office until the expiry of the deadline set out in Subsection (2). The head of the election office of the parliamentary single-member constituency shall forward the notification to the head of the local election office competent in the area of operation of the relevant polling station commission no later than the day following the submission of the notification.”

Section 14 (1) Subsection (3) of Section 33 of Ve. shall be replaced by the following:

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

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

b) for appointed members, until the result of the election related to the nomination which is the legal basis of the mandate or to establishing the list, as specified in Section 28, becomes final.”

(2) The following Subsection (4) shall be inserted in Section 33 of Ve.:

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

Section 15 Subsection (1) of Section 38 of Ve. shall be replaced by the following:

“(1) Election commissions, once their members are elected and have taken the oath or pledge, shall hold an inaugural meeting. Polling station commissions shall hold an inaugural meeting within eight days before the vote, after having appointed their members. The inaugural meeting shall be convened by the head of the election office attached to the election commission, while the inaugural meeting of the polling station commission shall be convened by the head of the local election office.”

Section 16 The following Section 40/A shall be inserted in Ve.:

“Section 40/A The meeting of the National Election Commission may also be held by electronic means of communication, as decided by the president.”

Section 17 Section 42 of Ve. shall be replaced by the following:

“Section 42 (1) The detailed rules to be followed by the National Election Commission shall be set out in a Rules of Procedure within thirty days of the inaugural meeting, which must be published on the official website of the elections.

(2) After the call for the general election of Members of Parliament and the election of Members of the European Parliament, and until the day of the inaugural meeting of Parliament in the case of the general election of Members of Parliament or until the decision establishing the result of the election has become final in the case of the election of Members of the European Parliament, the Rules of Procedure may not be amended.”

Section 18 Section 45 of Ve. shall be replaced by the following:

“Section 45 (1) The content of the proposal for a decision shall be determined and presented by the president of the election commission or a member appointed by them. The technical input involved in preparing the proposals for decisions is managed by the president of the election commission.

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

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

(4) If the proposal for a decision is rejected, the president of the commission may adjourn the meeting in order to prepare a new proposal for a decision, or request that the decision be postponed to a new date within the time limit for making a decision. The election commission shall make a decision on the president's proposal to postpone the decision, which shall be recorded in the minutes.

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

Section 19 The following Section 45/A shall be inserted in Subtitle 22 of Ve.:

“Section 45/A (1) Elected members of the election commission may not participate in making a second-instance decision if a relative of a candidate standing as a candidate in the election or their nominating organisation is applying or has applied to do so.

(2) Members of the election commission may not initiate proceedings with the election commission of which they are a member, may not submit a request for legal remedy against its decision, and may not represent any other person or organisation before the commission or in legal remedy proceedings against the decision of the commission, except in matters concerning the exercise of their own electoral right.”

Section 20 Section 72 of Ve. shall be replaced by the following:

“Section 72 The President of the National Election Office may give orders to the heads of other organisations participating in conducting elections regarding the execution of election-related tasks, except for performing the secretarial duties of the election commission.”

Section 21 Section 78 of Ve. shall be replaced by the following:

“Section 78 (1) In settlements with two or more polling districts, the head of the local election office shall select the polling district where voters with a domicile of settlement rank may vote.

(2) The polling district designated according to Subsection (1) shall also be used for voting in the case of a change of polling district.

(3) In cities with county rights and in districts of the capital, the head of the local election office may designate another polling district for voting in the case of a change of polling district instead of the polling district designated according to Subsection (1).

(4) The number of voters residing in a polling district designated according to Subsection (3) shall not be subject to the minimum number of voters specified in Subsection (1) of Section 77.”

Section 22 The following Paragraph *d*) shall be inserted in Subsection (1) of Section 96 of Ve.:

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

“*d*) central travel document database.”

Section 23 The following Subsections (3) and (4) shall be inserted in Section 97 of Ve.:

“(3) A resolution on removal under Paragraph *a*) of Subsection (2) does not need to be issued separately.

(4) The provisions contained in Subsection (3) of Section 48 must be applied when communicating resolutions about removal.”

Section 24 The following Subsection (5) shall be inserted in Section 102 of Ve.:

“(5) The provisions contained in Subsection (3) of Section 48 must be applied when communicating resolutions about being removed from the polling district electoral register.”

Section 25 The following Section 105/A shall be inserted in Subtitle 51 of Ve.:

“Section 105/A If voters withdraw their application for mobile voting by the second day before voting, the local election office shall remove them from the register of voters applying for mobile voting.”

Section 26 The following Section 121/A shall be inserted in Subtitle 59 of Ve.:

“Section 121/A If the delivery of the recommendation sheet is in violation of the law, the election office shall refuse the delivery of the relevant sheets on the day of the request by means of a resolution.”

Section 27 Subsection (6) of Section 122 of Ve. shall be replaced by the following:

“(6) Recommendation sheets shall contain the name, personal identification number or official identity card number and the signature of the person collecting the recommendations.”

Section 28 The following Subsection (3) shall be inserted in Section 133 of Ve.:

“(3) If the candidate on the list cannot be registered, but the list otherwise meets the statutory requirements, the election commission shall register the list while omitting the relevant candidate.”

Section 29 The following Subsection (3) shall be inserted in Section 137 of Ve.:

“(3) Candidates on the list are eliminated if they fail to obtain a mandate at the elections and they shall relinquish the nomination in writing after the voting day.”

Section 30 The following Section 143/B shall be inserted in Subtitle 68 of Ve.:

“Section 143/B (1) The legislation on the use of public areas shall not apply to campaigning activities in public areas open to pedestrian traffic for the purpose of personal communication with voters if the public areas used for the installation of the equipment or accessories used in this context do not exceed four square metres.

(2) The following in particular shall be considered campaign activities as specified in Subsection (1):

- a) making contact with voters;
- b) private discussion of public matters;
- c) distributing leaflets;
- d) collecting signatures.”

Section 31 (1) Subsection (3) of Section 151 of Ve. shall be replaced by the following:

“(3) The complainant shall indicate in the complaint or, if possible, attach the programme as evidence of violation of the law. The programme indicated – if it is required and was not attached by the complainant – shall be acquired of its own motion by the relevant election commission as defined in Subsection (1).”

(2) Subsection (5) of Section 151 of Ve. shall be replaced by the following:

“(5) The complaint may not be examined on its merits if the Internet media content referred to in it is an unchanged reproduction of other media content and the complaint was lodged more than three days after the publication of the original media content.”

Section 32 Subsection (1) of Section 153 of Ve. shall be replaced by the following:

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

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

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

Section 33 Subsection (1) of Section 171 of Ve. shall be replaced by the following:

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

Section 34 Subsection (3) of Section 178 of Ve. shall be replaced by the following:

“(3) If a candidate on the individual ballot paper or a list has been eliminated after the fourteenth day preceding voting but before the day of voting – and the ballot papers have been produced before that – the polling station commission shall inform voters about this fact on a public notice placed in the polling station and, when necessary, orally. The name of the eliminated candidate or list shall be crossed out on the ballot paper before the day of voting by the local election office or on the day of voting by the polling station commission.”

Section 35 The following Subsection (3) shall be inserted in Section 214 of Ve.:

“(3) The election commission shall decide within fifteen days of the submission of the objection, if the application does not relate to an election which has already been called but the result of the election has not yet become final.”

Section 36 The following Subsection (1a) shall be inserted in Section 228 of Ve.:

“(1a) The election commission shall decide within fifteen days of the submission of the appeal, if the application does not relate to an election which has already been called but the result of the election has not yet become final.”

Section 37 Section 230/A of Ve. shall be replaced by the following:

“Section 230/A The election commission may also adjudge appeals against the same first-instance resolution in one procedure.”

Section 38 The following Subsection (3) shall be inserted in Section 242 of Ve.:

“(3) If the National Election Commission fails to discharge its obligation to determine the result of the election within two days of the order of the Curia pursuant to Subsection (2), the Curia shall determine the result of the election within two days on the basis of the records. The provisions of Section 233 shall apply accordingly to the constitutional complaint against the decision of the Curia.”

Section 39 Subsection (2) of Section 245 of Ve. shall be replaced by the following:

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

of the ballot counting. An observer cannot be a member of the election commission or election office.”

Section 40 The following Subsections (4)-(6) shall be inserted in Section 245 of Ve.:

“(4) If the head of the local election office divides the electoral register into several parts pursuant to Section 257/A, the nominating organisation or independent candidate appointing a member to the relevant polling station commission may appoint additional members to the polling station commission until 16:00 on the second day before voting, by having

a) in the case referred to in Paragraph *a)* of Subsection (1) of Section 257/A, up to one delegated member per station;

b) in the case referred to in Paragraph *b)* of Subsection (1) of Section 257/A, up to two delegated members per sub-polling district.

(5) The head of the local election office shall immediately notify the persons entitled to the mandate of the possibility as defined in Subsection (4).

(6) The head of the local election office may add the necessary number of additional members to the polling station commission to complete the task described in Subsection (4) of Section 292.”

Section 41 (1) Subsection (2) of Section 250 of Ve. shall be replaced by the following:

“(2) Requests for changing districts shall reach the local election office no later than nine days before voting.”

(2) The following Subsection (7) shall be inserted in Section 250 of Ve.:

“(7) Voters who have submitted both an application for changing polling districts and a request for mobile voting shall, in the event of withdrawing their application for mobile voting, be entered in the electoral register of the polling station to which they have changed, unless they declare otherwise. In the event of withdrawing their application for mobile voting as mentioned in Subsection (6), voters must be entered in the electoral register of the polling district based on their address, unless they declare otherwise.”

Section 42 Subsection (3) of Section 257 of Ve. shall be replaced by the following:

“(3) The polling station commission of the selected polling district shall carry out mobile voting for voters who changed districts and for voters residing at settlement level with jurisdiction over the whole settlement.”

Section 43 The following Sections 257/A and 257/B shall be inserted in Subtitle 116 of Ve.:

“Section 257/A (1) If the number of voters on the electoral register in the polling district designated for voting by changing polling district exceeds one thousand five hundred, the head of the local election office may decide, no later than five days before voting, to divide the electoral register into several sections and

a) voting shall be conducted in one polling station in such a way that the procedural steps provided for in Sections 176-179 are carried out by the members of the polling station commission at several separate locations within one polling station;

b) the designated polling district shall be divided into sub-polling districts and voting shall be conducted in several separate polling stations within the same building.

(2) If the number of voters on the electoral register in the polling district designated for voting by changing polling district exceeds two thousand, voting shall be conducted in accordance with Paragraph *a)* or *b)* in Subsection (1).

Section 257/B (1) Ballot-counting subcommittees shall operate in the sub-polling districts specified in Paragraph *b)* of Subsection (1) of Section 257/A.. The head of the local election office shall appoint the three elected members of the ballot-counting subcommittees from among the elected members of the polling station commissions, the number of which shall be as required in the case of a subcommittee under Subsection (3). The president of the ballot-

counting subcommittee shall be the member elected by the president and deputy president of the polling station commission, and by the elected members of the other subcommittees among themselves.

(2) The provisions of Subsection (3) of Section 104, Chapter X and Subsection 189 shall apply to voting in the sub-polling districts, with the jurisdiction of the polling station commission being exercised by the ballot-counting subcommittee.

(3) The certification of mobile ballot boxes and the tasks involved in mobile voting provided for in Sections 184 and 185 shall be carried out by the ballot-counting subcommittee, the president of which shall be the president of the polling station commission.

(4) Other tasks falling within the jurisdiction of the polling station commission shall be carried out by a polling station commission composed of members of the ballot-counting subcommittees.”

Section 44 Section 268 of Ve. shall be replaced by the following:

“Section 268 (1) Voters included in the register of postal voters may request information on the data recorded pursuant to Annex 2, Paragraph *p*) Subparagraphs *pa*) and *pb*), and Annex 8, Paragraph *c*) Subparagraph *cd*), in person at the foreign representation. Once the identity of the voter has been established, the foreign representation produces a record of the application, which is attached to the data request sent to the National Election Office.

(2) The foreign representation shall obtain the data referred to in Subsection (1) directly through the National Election Office and shall inform the voter thereof.”

Section 45 The following Subsection (5) shall be inserted in Section 278 of Ve.:

“(5) Voters may vote by post at the foreign representation designated according to Paragraph *c*) of Subsection (2) of Section 277. During voting, the conditions guaranteeing the secrecy of voting shall be ensured by the election office of the foreign representation operating at the foreign representation, in particular by applying Subsection (3) of Section 173, Subsection (2) of Section 178, Section 180, Subsection (1) of Section 181 and Subsection (5) of Section 269 accordingly, with the understanding that the election office of the foreign representation shall be understood to be the polling station commission.”

Section 46 Subsection (2) of Section 285 of Ve. shall be replaced by the following:

“(2) If a ballot box arrives at the National Election Office after the deadline or not sealed as stipulated in Section 273, or if there is no review sheet in the box, the votes it contains shall not be taken into account when determining the result. Whether the ballot box is sealed as stipulated in Section 273 shall be decided by the National Election Commission.”

Section 47 Section 295 of Ve. shall be replaced by the following:

“Section 295 The results of postal voting by voters without domicile in Hungary shall be recorded by the National Election Commission.”

Section 48 Subsection (1) of Section 307/A of Ve. shall be replaced by the following:

“(1) Requests for changing polling districts may be submitted by voters who, on the thirtieth day prior to the calling of the election and at the time of examining their application for changing polling district, had a residence in the same constituency and whose residence is valid at least until the day of voting.”

Section 49 Subsection (3) of Section 307/I of Ve. shall be replaced by the following:

“(3) The notification of candidates entered on lists shall contain the data and declarations required pursuant to Paragraphs *a*) and *b*) of Subsection (3) of Section 120. The provisions of Subsections (1) and (2) of Section 307/F and of Section 307/H shall also apply to candidates on the list.”

Section 50 Subsection (2) of Section 307/N of Ve. shall be replaced by the following:

“(2) The local election commission shall determine the result of the election with regard to the compensation list within three days after the resolution establishing the result of the election in the single-member constituency has become final, on the basis of the record forming the annex thereto.”

Section 51 Subsection (3) of Section 307/O of Ve. shall be replaced by the following:

“(3) The local election office shall deliver a copy of the record forming the annex to the resolution to the regional election office by 10:00 on the day following the day on which the resolution establishing the result of the election of the mayor of the district of the capital city becomes final. Following the entry into force of the resolutions establishing the results of the mayoral elections in the districts of the capital, the territorial election commission shall establish the results of the capital's compensatory list elections on the basis of the records forming the annex to the resolutions.”

Section 52 The following Section 307/R shall be inserted in Subtitle 138/K of Ve.:

“Section 307/R Appeals against the determination of the compensatory list result may only be lodged on the grounds of a breach of the rules for aggregating the results of individual constituencies and determining the election result.”

Section 53 The following Subtitle 138/L shall be inserted in Chapter XIV of Ve.:

“Section 138/L Resignation of an elected representative

Section 307/S After the day of voting and until the formation of the representative body, the elected representative may resign by submitting a written declaration to the competent election commission.”

Section 54 Subsection (1) of Section 309 of Ve. shall be replaced by the following:

“(1) The general election of representatives of national minority self-governments shall be called by the National Election Commission on or before the sixty-ninth day before the day of voting for the same day as the general election of representatives and mayors of municipalities.”

Section 55 Section 310 of Ve. shall be replaced by the following:

“Section 310 (1) The costs of preparing and conducting by-elections shall be covered from the budget of the national minority self-government if the by-election is held because

- a) the body of representatives or general assembly was dissolved;
- b) the body of representatives or general assembly dissolved itself.

(2) If the national minority self-government does not have the necessary funds to cover the costs of preparing and conducting the by-election pursuant to Subsection (1), the costs shall be paid in advance by the central budget.”

Section 56 Subsection (2a) of Section 311 of Ve. shall be replaced by the following:

“(2a) Nominating organisations associated with a national minority for which national minority self-government elections are held in the settlement may appoint one observer to the polling station. The observers can only be voters listed in the central electoral register as national minority voters. An observer cannot be a person as specified in Paragraphs a)-e) and g) and h) of Subsection (1) of Section 18 or either a member of the election commission or election office. Otherwise, the provisions of Subsection (4) and (5) of Section 5, of Sections 29-31 and of Subsection (3) of Section 32 shall apply to observers.”

Section 57 Section 317 of Ve. shall be replaced by the following:

“Section 317 (1) Candidates must also declare at the time when the recommendation sheet is requested that

a) they undertake to represent the national minority and

b) they speak the language of the national minority community and are familiar with its culture and traditions.

(2) The election commission shall verify in the register of candidates that the candidate has not been a candidate in the election of another nationality's self-government in the two preceding general elections of representatives of national minority self-government, as well as in the by-elections following them.

(3) The recommendation sheet shall also include an indication of nationality.

(4) The election office

a) at the same time as submitting the recommendation sheet;

b) at the request of the nominating organisation, on the thirty-eighth and thirteenth days preceding the voting, with the exception of the data of voters who have refused to disclose their data pursuant to Subsection (1) of Section 89, shall provide the nominating organisation at no charge with the names and addresses of voters included in the register as voters of the nationality.

(5) The data provided under Paragraph *a)* of Subsection (4) may only be used for the collection of recommendations, and the data provided under Paragraph *b)* of Subsection (4) may only be used for direct political campaigning. The provisions of Section 155 and of Paragraph *d)* of Subsection (2) of Section 218 must also apply to the processing of the data included as part of the data supplied.”

Section 58 Section 323/A of Ve. shall be replaced by the following:

“Section 323/A (1) Polling station commissions shall seal the envelopes for each national minority – without opening them – separately in transport envelopes and deliver the transport envelopes to the local election office.

(2) As a departure from Subsection (1), the envelopes containing the ballot papers as described in Subsection (1) of Section 327

a) shall not be sealed in a transport envelope and delivered to the local election office by the local election commission acting under the authority of the polling station commission in a polling district settlement;

b) shall be delivered directly to the local election commission by the polling station commission of a settlement other than the headquarters of the local election office.

(3) The local election office shall deliver to the territorial election office the transport envelopes containing the ballot papers as described in Subsection (2) of Section 327.”

Section 59 The following Subsection (3) shall be inserted in Section 327 of Ve.:

“(3) In settlements with more than one polling district, the local election commission may call on the assistance of its alternate member, elected member of the polling station commission and also members of the local election office for the purpose of counting the ballots. The territorial election commission may call on the assistance of its alternate member and also members of the territorial election office for the purpose of counting the ballots.”

Section 60 Section 330/A of Ve. shall be replaced by the following:

“Section 330/A With the exception of by-elections held on the same day as the by-election of local municipal representatives and mayors covering the whole settlement, a separate polling district shall be established for by-elections, the area of which shall cover the whole settlement. The number of record-keepers shall be determined by the head of the local election office.”

Section 61 (1) Subsection (1) of Section 331 of Ve. shall be replaced by the following:

“(1) The election of Members of the European Parliament shall be subject to the provisions of Chapters I to XII, Subsection (2) of Section 244, Subsection (2)-(3) of Section 245, Subsections 1) and (3) of Section 247, Section 250, Section 251, Subsection (3) of Section 257, Subsection (1) of Section 258. Sections 259-263, Sections 266-270, Subsection (2) of Section 271, Sections 272-281, Sections 283-285, Sections 288-291, Section 293, Section 295 and Section 298 with the derogations contained in this Chapter.”

(2) Subsection (1) of Section 331 of Ve. shall be replaced by the following:

“(1) The election of Members of the European Parliament shall be subject to the provisions of Chapters I to XII, Subsection (2) of Section 244, Subsection (2)-(5) of Section 245, Subsections 1) and (3) of Section 247, Section 250, Section 251, Subsection (3) of Section 257, Section 257/A, Section 257/B, Subsection (1) of Section 258. Sections 259-263, Sections 266-270, Subsection (2) of Section 271, Sections 272-281, Sections 283-285, Sections 288-291, Section 293, Section 295 and Section 298 with the derogations contained in this Chapter.”

Section 62 Subsection (2) of Section 343 of Ve. shall be replaced by the following:

“(2) The National Election Commission shall determine the result of the election based on
a) the polling district records;
b) the record determining the result of voting at foreign representations, and
c) the record determining the result of postal voting
by no later than the nineteenth day after voting.”

Section 63 The following Subtitle 167/A shall be inserted in Chapter XVI of Ve.:

“Section 167/A Resignation of an elected representative

Section 345/A After the day of voting and until the European Parliament has adopted a resolution establishing the validity of the mandate, elected representatives may resign by submitting a written declaration to the National Election Commission.”

Section 64 The following Section 353/C shall be inserted in Subtitle 171 of Ve.:

“Section 353/C The provisions of this Act established by Act CLXVII of 2020 on the Amendment of Certain Acts relating to Elections shall apply to elections called after their entry into force.”

Section 65 Annex 2 to Ve. shall be replaced by Annex 1.

Section 66 In Ve.

a) The phrase “at the time of their appointment” in Subsection (4) Section 18 shall be replaced by the phrase “no later than before taking the oath”;

b) The phrase “in Subsection (3) of Section 45” in Subsection (1) of Section 19 shall be replaced by the phrase “in Subsection (5) of Section 45”;

c) The phrase “Subsection (5) of Section 28” in Subsection (2) of Section 37 shall be replaced by the phrase “Subsection (4) of Section 245”;

d) The phrase “for ninety days” in Subsection (1) of Section 205 shall be replaced by the phrase “until their destruction”;

e) The phrase “pursuant to Section 78” in Section 246 shall be replaced by the phrase “pursuant to Subsection (1) of Section 78”;

f) The phrase “Sections 121-128” in Subsection (1) of Section 255 shall be replaced by the phrase “Sections 121-127”;

g) The phrase “by 24:00 on the day before the day of voting” in Paragraph a) of Subsection (1) of Section 279 shall be replaced by the phrase “by 19:00 on the day of voting”.

h) The phrase “Subsection (6) of Section 250” in Section 301 shall be replaced by the phrase “Subsections (6) and (7) of Section 250”;

i) The phrase “Sections 121-128” in Subsection (4) of Section 307/F shall be replaced by the phrase “Sections 121-127”;

j) The phrase “Section 307/F” in Section 308 shall be replaced by the phrase “Subsections (3) and (4) of Section 307/F”;

k) The phrase “on the second day” in Subsection (2) of Section 314 shall be replaced by the phrase “on the sixteenth day”;

l) The phrase “Subsections (3) and (4) of Section 318” in Subsection (3) of Section 319 shall be replaced by the phrase “Subsections (1) and (2) of Section 317”;

m) The phrase “Sections 121-128” in Subsection (3) of Section 338 shall be replaced by the phrase “Sections 121-127”;

l) The phrase “Subsection (4) of Section 318” in Subsection (3) of Section 350 shall be replaced by the phrase “Subsection (2) of Section 317”;

o) The term “thirty” in point *h)* of Annex 1 shall be replaced by the term “twenty-five”.

Section 67 The following items in Ve. shall cease to apply:

a) Subsection (4) of Section 4;

b) Subsections (5)-(7) of Section 28;

c) The phrase “– or, in the case of polling station commissions, the one selected by the head of the local election office” in Subsection (1) of Section 35;

d) The phrase “and alternate members” in Subsection (1) of Section 37;

e) Section 109;

f) Section 128;

g) The sentence “On the working day after the ninetieth day after the day of voting, election documents – with the exception of the record – shall be destroyed” in Subsection (2) of Section 205;

h) The phrase “on requests” in Subsections (1) and (2) of Section 235 and of Subsection (7) of Section 236;

i) Section 264;

j) Paragraph *b)* of Subsection (2) of Section 278;

k) The term “valid” in Paragraph *g)* of Subsection (3) of Section 289;

l) Subsection (6) of Section 289;

m) Subsections (3) and (4) of Section 318;

n) Paragraph *l)* of Section 346.

6. Amendment to Act LXXXVII of 2013 on the Transparency of Campaign Costs related to the Election of the Members of the National Assembly

Section 68 Subsection (1) of Section 3 of Act LXXXVII of 2013 on the Transparency of Campaign Costs related to the Election of the Members of the National Assembly shall be replaced by the following:

“(1) At the general election of the Members of the National Assembly, the parties setting up a party list shall be entitled to the following amounts from the central budget specified in Section 5:

a) 40% of the amount if they nominate a candidate in at least seventy-one,

b) 50% of the amount if they nominate a candidate in at least eighty,

c) 60% of the amount if they nominate a candidate in all single mandate constituencies.”

7. Amendment to Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens' Initiative and Referendum Procedure

Section 69 Subsection (2) of Section 18 of the Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens' Initiative and Referendum Procedure (hereinafter referred to as "Nsztv.") shall be replaced by the following:

"(2) Where the organiser does not finish collecting the signatures until the fortieth day before the date of the general election of Members of Parliament, Members of the European Parliament, municipal representatives and mayors, and representatives of national minority self-governments, they must hand over the signature sheets so far collected and the signature sheets not containing signatures to the National Election Office no later than thirty-nine days before the date of the poll. In case of a failure to comply with this obligation, the National Election Commission shall impose a fine of its own motion. The amount of this fine is eight hundred forints for each signature sheet that has not been handed over, but it may not exceed in total five times the monthly amount of the mandatory minimum wage in the case of a voter, or ten times the amount of the mandatory minimum wage in the case of an organisation."

Section 70 Subsection (3) of Section 19 of Nsztv. shall be replaced by the following:

"(3) At the same time as the submission specified in Subsection (1), but not later than the last day of the deadline specified in Subsection (1) for the submission of the signature sheets, the organiser shall hand over each signature sheet to the National Election Office. In case of a failure to comply with this obligation, the National Election Commission shall impose a fine of its own motion in accordance with the provisions of Subsection (2) of Section 18."

Section 71 Subsection (2) of Section 19/A of Nsztv. shall be replaced by the following:

"(2) In case of a failure to comply with the obligation specified in Subsection (1), the National Election Commission shall impose a fine of its own motion in accordance with the provisions of Subsection (2) of Section 18."

Section 72 Subsection (4) of Section 19/B of Nsztv. shall be replaced by the following:

"(4) In case of a failure to comply with the obligation specified in Subsection (1), the National Election Commission shall impose a fine of its own motion in accordance with the provisions of Subsection (2) of Section 18."

Section 73 Subsection (4) of Section 19/C of Nsztv. shall be replaced by the following:

"(4) In case of a failure to comply with the obligation specified in Subsection (2), the National Election Commission shall impose a fine of its own motion in accordance with the provisions of Subsection (2) of Section 18."

Section 74 The following Section 23/A shall be inserted in Subtitle 5 of Nsztv.:

"Section 23/A (1) A fine imposed for signature sheets shall lapse no later than five years after the date on which it was imposed and shall be deemed to be irrecoverable by operation of law.

(2) If the amount of the fine finally imposed exceeds five hundred thousand forints, the person liable for the fine may, at any stage of the proceedings, initiate payment of the amount of the fine in equal monthly instalments for a period of up to two years to the body managing the debt.

(3) When fulfilling the obligation specified in Subsection (2) of Section 18, Subsection (1) of Section 19, Subsection (3) of Section 19, Subsection (1) of Section 19/A, Subsection (1) of Section 19/B and Subsection (2) of Section 19/C, the organiser may submit the signature sheets not containing signatures within 15 days after the deadline specified in the said provisions. The

National Election Commission shall impose the fine for failure to comply with the obligation within 30 days of the expiry of the time limit specified in the said provisions.”

Section 75 (1) Section 65 of Nsztv. shall be replaced by the following:

“Section 65 In the process of a national referendum, the provisions of Subsection (2) of Section 244 of Ve., Paragraphs *a)*, *c)* and *d)* of Subsection (1) of Section 245 of Ve. and Subsections (2)-(3), Subsections (1) and (3) of Section 247 of Ve., Sections 250 and 251 of Ve., Subsection (2) of Section 256 of Ve., Subsection (3) of Section 257 of Ve., Subsection (1) of Section 258 of Ve., Sections 259-263 and Sections 266-270. of Ve., Subsection (2) of Section 271 of Ve., Sections 272-274. of Ve., Section 275 of Ve., Sections 277-281 of Ve., Sections 283-285 of Ve., sections 288-291 of Ve., and sections 293, 295, 297, 298 and 341/A of Ve., shall also apply with the derogations set out in this Chapter.”

(2) Section 65 of Nsztv. shall be replaced by the following:

“Section 65 In the process of a national referendum, the provisions of Subsection (2) of Section 244 of Ve., Paragraphs *a)*, *c)* and *d)* of Subsection (1) of Section 245 of Ve. and Subsections (2)-(5), Subsections (1) and (3) of Section 247 of Ve., Sections 250 and 251 of Ve., Subsection (2) of Section 256 of Ve., Subsection (3) of Section 257 of Ve., Section 257/A, Section 257/B of Ve., Subsection (1) of Section 258 of Ve., Sections 259-263 and Sections 266-270. of Ve., Subsection (2) of Section 271 of Ve., Sections 272-274. of Ve., Section 275 of Ve., Sections 277-281 of Ve., Sections 283-285 of Ve., sections 288-291 of Ve., and sections 293, 295, 297, 298 and 341/A of Ve., shall also apply with the derogations set out in this Chapter.”

Section 76 Paragraph *e)* of Section 91 of Nsztv. shall be replaced by the following:

(The Minister responsible for regulating elections and referendums is authorised to specify by decree)

“*e)* the flat rates of national and local referendum costs, items and related expense reporting and internal audit procedures,”

Section 77 In Subsection (1) of Section 11 of Nsztv. the word “thirty” shall be replaced by the word “sixty”.

8. Final provisions

Section 78 (1) This Act shall enter into force – with the exception mentioned in Subsection (2) – on the 30th day after its promulgation.

(2) Sections 21-24, Section 27, Section 40, Section 43, Sections 48-49, Section 57, Subsection (2) of Section 61, Paragraphs *c)*, *e)*, *h)*, *k)*, *l)* and *n)* of Section 66, Paragraphs *b)* and *m)* of Section 67, Sections 69-74 and Subsection (2) of Section 75 shall enter into force on 1 July 2021.

Section 79 (1) Subtitle 1 shall be considered cardinal pursuant to Paragraph (4) of Article XXIII and Paragraph (1) of Article 35 of the Fundamental Law.

(2) Subtitle 2, Sections 54-60, Paragraphs *j)*-*l)* of Section 66 and Paragraph *m)* of Section 67 shall be considered cardinal pursuant to Paragraph (3) of Article XXIX of the Fundamental Law.

(3) Subtitle 3 and Annex 1 shall be considered cardinal pursuant to Paragraph (4) of Article XXIII and Paragraphs (1) and (2) of Article 2 of the Fundamental Law.

(4) Subtitle 4 shall be considered cardinal pursuant to Paragraphs (2) and (5) of Article 4 of the Fundamental Law.

(5) Sections 5-30, Sections 32-38, Section 65, Paragraphs *a)*-*d)* and *o)* of Subsection 66, Paragraphs *a)*-*h)* and *n)* of Section 67 and Annex 1 shall be considered cardinal pursuant to

Paragraph (3) of Article XXIX, Paragraph (1) of Article 2 and Paragraph (1) of Article 35 of the Fundamental Law.

(6) Section 31 shall be considered cardinal pursuant to Paragraph (3) of Article IX, Paragraph (3) of Article XXIX, Paragraph (1) of Article 2 and Paragraph (1) of Article 35 of the Fundamental Law.

(7) Sections 39-47, Paragraphs *e)-g)* of Section 66 and Paragraphs *i)-l)* of Section 67 and Subtitle 6 shall be considered cardinal pursuant to Paragraph (1) of Article 2 of the Fundamental Law.

(8) Sections 48-53, Paragraphs *h)-i)* of Section 66 shall be considered cardinal pursuant to Paragraph (1) of Article 35 of the Fundamental Law.

Annex 1 to Act CLXVII of 2020

“Annex 2 to Act XXXVI of 2013

The content of the central electoral register

The central electoral register shall contain

- a) the voter's name and birth name;
- b) the voter's personal identification number;
- c) the voter's Hungarian address and residence;
- d) the voter's mother's name;
- e) the voter's date and place of birth;
- f) in the case of a voter with no Hungarian address who has no personal identification number, the type and number of the document proving Hungarian citizenship;
- g) the indication of which election and which constituency the voter has the right to vote in, and in which election the voter may stand as a candidate;
- h) an indication of the settlement and single-member constituency in which the voter was listed in the polling district electoral register on the day of the last election of representatives and mayors of municipality;
- i) in the case of voters listed in the register with regard to the election of the Members of the European Parliament as the citizen of another European Union Member State, also
 - ia) nationality
 - ib) if available, the name of the settlement or constituency where the applicant was last entered into the electoral register in the state of their citizenship;
 - j) in the case of voters registered as minority voters, an indication of
 - ja) which minority the voter is listed as belonging to;
 - jb) whether the listing as a minority voter also covers the election of Members of Parliament;
 - k) an indication of the type of assistance requested by voters with a disability pursuant to Section 88, if any;
 - l) the content of the declaration pursuant to Subsection (1) of Section 89;
 - m) the voter's contact address listed in the records of citizens' personal data and addresses;
 - n) the name of the constituency and the polling district;
 - o) the enrolment date in the central electoral register of voters living abroad, without registered domicile in Hungary, furthermore the entry date of actions pursuant to Paragraph b) of Subsection (1) of Section 97 in the central electoral register;
 - p) in the case of voters without registered domicile in Hungary
 - pa) the settlement of the place of delivery if personal delivery of the voting package was requested;
 - pb) the postal address if delivery of the voting package by post was requested;
 - pc) their address, e-mail address or fax number registered pursuant to Subsection (4) of Section 92;
 - q) the voter's refugee, immigrant or settled status.”