



NATIONAL ELECTION OFFICE

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# ELECTORAL GUIDELINES

## 215.

### **INFORMATION**

**for International Observers**

**Election of Members of Parliament  
and National Referendums**

**3 April, 2022**



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NATIONAL ELECTION OFFICE

Editor of Series 'Electoral Guidelines':

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## PREFACE

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On Sunday, 3rd of April, 2022 the citizens of Hungary will have the opportunity to decide the future of their country by means of democratic Parliamentary Elections and National Referendums.

Election observation contributes to the strengthening of democratic institutions and to the building of public confidence in electoral processes. Your presence is highly appreciated to support democracy and human rights.

The National Election Office of Hungary focuses on the transparency of the election procedure and considers it imperative to facilitate the participation of foreign observers at Parliamentary Elections and National Referendums.

We aimed to give the esteemed readers a resourceful insight into the Hungarian parliamentary election system, although it is beyond the reach of this booklet to encompass every aspect of the elections. If you wish to have further information about the elections, you may find out more on the home page of the National Election Office with links in English to the current, the upcoming and the past elections and referendums as well ([www.valasztas.hu](http://www.valasztas.hu)).

February 2022, Budapest

dr. Attila Nagy

## 1. THE HUNGARIAN ELECTION SYSTEM

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The fundament of the present Hungarian election system was adopted by the legislative power during the period of the constitutional transition in 1989 as the result of a multilateral conciliation process. The election system was meant to be temporary, only for the first democratic elections, creating the conditions of the political transitions. However, in principle it has been working unchanged during the last two decades. During the electoral reforms after 2010 the main element of the previous concept, the mixed election system was still kept. However, overall changes in other issues (e.g. representation of national minorities in the parliament, the right to vote for citizens living permanently abroad) were carried out.

This year national referendums will be held on the same day in a joint procedure.

Below you will find an outline of the new legal structure of the Hungarian parliamentary election system, also shortly reflecting to issues like campaign financing or the role of the media during the elections.

### 1.1. ELECTIONS OF THE MEMBERS OF PARLIAMENT

The regulatory documents for the election of Members of Parliament are included in the following statutory instruments:

1. **The Fundamental Law** which articulates the principle of democracy through parliamentary representation, regulates the criteria concerning the right to vote as a fundamental political right, specifies the principles of elections, and the more fundamental rules for setting elections.
2. **Act CCIII of 2011 on the Election of Members of Parliament**, which includes the substantive law related rules of elections, thereby specifying the elements of the election system, the manner of distributing mandates, and the rules for determining the result; more over it includes provisions applicable to parliamentary by-elections as well.
3. **Act XXXVI of 2013 on the Election Procedure**, which lays down the rules for the legal elements of the election procedure (electoral registers, election bodies, proposal, nomination, voting, tallying ballots, determining results, legal remedies, etc.).
4. **Act LXXXVII of 2013 on Transparent Campaign Costs of the Elections of Members of Parliament**, which consists of the rule regarding the state aid of election campaign and the legal order regarding the accounting and control of the costs of election campaign.
5. **Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens' Initiative and Referendum Procedure** which contains the rules for national and local referendums and the procedural differences related to national and local referendums, thus referring back to the Electoral Procedure Act. It also contains the rules of the European Citizens' Initiative.
6. **The Decrees of the Minister of Public Administration and Justice** which specify
  - the detailed rules of maintaining the central electoral register, other electoral registers and other settlements and foreign representations, where voters having no address in Hungary – at his/her own request – can collect the voting package, (KIM Decree 17/2013 (17 Dec.))
  - - IM Decree 3/2022 (I. 11.) - on the detailed rules for the implementation of the tasks falling within the competence of election offices at the general election of Members of Parliament and at the national referendum conducted in joint procedure, on the determination of the scope of nationally aggregated data of the election and referendum results, on the detailed rules for the performance of the IT tasks of the metropolitan and county government offices related to elections, and on the forms to be used in the joint procedure,
  - - IM Decree No 2/2022 (11.I.) - on the normatives, items, accounting and internal control procedures for the costs of parliamentary elections and national referendums conducted in a joint procedure,
  - - IM Decree No 1/2022 (11.I.) of 11.I. - setting the deadlines and closing dates for the parliamentary elections and national referendums scheduled for 3 April, 2022.
7. **The Decree of the Minister of National Economy** includes the rules of state aid for electoral campaign, the detailed procedure rules regarding the treasury account, the turnover of the treasury card and the rules regarding the use of the treasury card. (NGM Decree 69/2013 (29 Dec.))

## 1.2. PRINCIPLES

Article 2 Section (1) of the Fundamental Law stipulates that Members of the National Assembly shall be elected by universal and equal suffrage in a direct and secret ballot, in elections which guarantee the free expression of the will of the voters.

## 1.3. SUFFRAGE

The Fundamental Law (Constitution) of Hungary states that Hungary is an independent, democratic constitutional state, where supreme power is vested in the people, who exercise their sovereign rights directly and through elected representatives.

Chapter XXIII of the Fundamental Law defines the right to vote as a basic political right.

All adult Hungarian citizens have the right to vote and the right to be elected in parliamentary elections. Due to the mixed election system a permanent residence (domicile) in Hungary is needed for the completeness of suffrage:

Voters having **Hungarian domicile** (permanent residence) may cast their ballot for a candidate of a single member constituency (of their domicile) and for a party list.

There are 13 national minorities officially recognized in Hungary (Armenian, Bulgarian, Croatian, German, Greek, Polish, Roma, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian). **National minority voters** having Hungarian domicile, enrolled in the register can express their democratic will by voting for a regular (non-minority) candidate of a single member constituency on one hand and ensure their direct representation by voting directly for his/her own national minority list on the other hand. In this case they cannot vote on the party list.

**Voters having no Hungarian domicile (neither temporary nor permanent address in Hungary)** may vote only for a party list.

The right to vote is only restricted by what are referred to as the **natural grounds for disfranchisement**. Under the Fundamental Law,

1. the following shall not have the right to vote:

- **persons who are under conservatorship and disfranchised by final court verdict,**
- **persons who are subject to a final legal judgement forbidding them to participate in public affairs,**

2. the following shall have the right to vote, but shall not have the right to stand for election:

- **persons who have been jailed or committed to treatment in a mental institution on the basis of a final legal judgement rendered in criminal proceedings, but in both cases are not subject to a final legal judgement forbidding them to participate in public affairs.**

Voters eligible to vote in Parliamentary election can also vote in the referendums.

## 1.4. THE ELECTORAL REGISTER

The National Election Office enrolls all persons of legal age (18 years as a general rule) automatically in the central electoral register who have a residence or a domicile in Hungary and have at least the active voting rights at elections. Therefore:

- Hungarian citizens,
- refugees,
- immigrants,
- persons with permanent resident status,
- European Union citizens

who were not disfranchised by court are to be enrolled in the central electoral register.

Citizens over the age of 17 – if they would otherwise have the right to vote - shall be enrolled in the central electoral register as well. (They may however exercise the right to vote only after becoming of legal age.)

Only: Hungarian citizens having no address in Hungary need to register based on application.

Voters have the right to prohibit the release of their data for campaign purposes.

Voters can take insight into their own data in the central electoral register, electoral rolls of the polling districts are open to the public.

## 1.5. THE DATE OF ELECTIONS

The general election of Members of Parliament - with the exception of elections held due to the declaration of the Parliament's dissolution or the Parliament having been dissolved - shall be held in the month of April or May in the fourth year following the election of the previous Parliament. The President of the Republic shall announce the date of parliamentary elections, which this year will be the **3<sup>rd</sup> of April**.

## 1.6. THE STRUCTURE AND THE ELEMENTS OF THE ELECTION SYSTEM

### 1.6.1. PARLIAMENTARY ELECTIONS

Parliament is made up of **199** representatives. Members of Parliament are elected in **106** single member constituencies plus **93** mandates are distributed from national lists. This means that Hungary's **election system** can be considered as being a **mixed type** one, using elements of majority and proportionality:

- the **majority (first past the post)** system in 106 constituencies, where one can vote on individuals, and the candidate who wins the majority of votes will become the representative, and
- the **proportional** system, where one can vote for national lists (list of a party or national minority), 93 mandates are distributed from the list, in proportion with votes cast on the lists. The proportional system also takes into consideration the surplus votes from single member constituencies.

#### 1. Single member constituencies (106)

The country is divided into 106 single member constituencies. Under the Election Act (Hungarian short form: "Vjt.") not only **party candidates** but also **independent candidates** may stand for elections. Two or more parties may nominate joint candidates. In order to run as a party or independent candidate in the elections one has to obtain at least 500 certified recommendations by voters living in the given constituency.

The candidate who wins the majority of votes in the single member constituency will become the representative.

#### 2. National list

Apart from the single member constituencies as described above, the country has to be considered as one **proportional list constituency** where 93 mandates can be obtained. Therefore voters have 2 ballots: they may cast their votes for candidates of single member constituencies and for organizations putting forward a list. It is important to emphasize that apart from votes cast on party lists or national minority lists the pool of 93 mandates is also used for compensation as the so-called **surplus votes** (see III.) obtained in the single member constituencies are added to the party list votes.

The lists themselves can be of following types:

- **National party lists**

National lists can be put forward by parties that set up at least 71 individual candidates distributed in 14 different counties and one in the capital. This assures that only parties supported all over the country can put forward national lists. Parties are allowed to set up a joint list on the basis of joint candidates.

- **National minority list**

National minority lists can be set up by national minority self-governments. The **conditions** for setting up a national minority list are **more favorable** than that of a party list. At least 1%, but only a maximum of 1.500 recommendations by the enrolled voters of the given national minority are needed. Setting up a joint national minority list is not possible.

#### 3. Surplus votes

In order to minimize "lost votes", apart from votes cast directly for party lists, parliamentary seats can also be obtained **indirectly** by party candidates via the so-called **surplus votes**.

The following qualify as surplus votes:

- votes cast in single member constituencies on those candidates who could not obtain seats, (votes cast on party candidates who lost)
- votes cast on the winning party candidate in the single member constituency which have been effectively not needed to obtain the seat (number of votes cast on the most successful candidate in a given constituency decreased by the votes cast on the second successful candidate minus 1). In the case of independent candidates – lacking a nominating party and a national list – no surplus votes can be derived.

Example: in a single member constituency a total of 100 votes were cast. Out of this the candidate of party „A” obtained 60, the candidate of party „B” obtained 40. In this constituency, party „A” obtained (first past the post) the mandate. The total votes cast on the (losing) candidate of party „B” (**40**) will be transferred as surplus votes to the national list of party "B". In the case of the successful party “A” the literally surplus votes not needed for winning its mandate will be transferred to the national list of party “A” (60 - 40 - 1 = **19** surplus votes for party “A”).

Only those parties are entitled to receive proportional mandates that pass an **election threshold** of 5%. Two parties with a joint list have to pass 10%, joint lists of three or more parties 15%. Parties that did not win at least **5 (or 10, or 15)%** of the total number of votes cast for party lists cannot obtain mandates from the party lists, thus they lose their surplus votes won in single member constituencies as well. There is no threshold for national minority lists.

Mandates from the national list are distributed in proportion of the votes cast and the surplus votes of the parties. The **d’Hondt** formula is used for the distribution of seats.

In the case of national minority lists only ¼ of the votes required for a “normal” party mandate is needed to obtain the first mandate.

## 1.6.2. REFERENDUMS

In Hungary, there are two types of national referendums:

- **compulsory referendums**, if 200 000 voters initiate them;
- **optional referendums**, if the referendum is initiated by the President of the Republic, the Government or 100 000 voters. The Parliament is free to decide whether or not to order a referendum.

To ensure that voters are fully informed, the questions submitted and proposed for referendum will be published on [valasztas.hu](http://valasztas.hu).

### Initiator of the national referendum

Depending on who initiates the national referendum, we can talk about

#### 1. Voters' initiative

The organiser of the national referendum initiative can be

- any **Hungarian citizen of legal age who has** not been disqualified by a court from exercising the right to vote and who has a Hungarian address or does not have a Hungarian address but has been entered in the central register of voters at his/her request,
- **party** or
- **other associations, on** matters relating to the scope of their activities as set out in their statutes.

#### 2. Initiative of the Government or the President of the Republic

The Government or the President of the Republic can also initiate a national referendum. The main difference, however, is that while the initiative of the electorate can be both compulsory and optional, depending on the number of signatures, the initiative of the Government and the President of the Republic is always optional, i.e. Parliament is free to decide whether to order a referendum. No signature collection is required in this case.

### **The following requirements apply to the content of the referendum question:**

- The question should concern a subject within the scope of Parliament's duties and powers.
- The question should be clear.
- The wording and content of the question should be in line with the constitutional purpose of the national referendum.

### **Collection of signatures**

A voter initiative can be signed on a signature collection form **issued by the NEO** after the question has been validated. The NEO will indicate on the signature collection forms the question proposed for the referendum and each form will be given a unique serial number. In this way, the recommendation form is unique and identifiable, and cannot be copied or forged.

Signatures can be collected up to **120 days** after the receipt of the forms.

Any Hungarian citizen of legal age who has not been excluded by a court from exercising the right to vote and who has a Hungarian address or no Hungarian address but has been entered in the central register of voters upon request may sign in support of a national referendum initiative.

Signatures can be collected by anyone who has an **identity card** or an **official document issued by a Hungarian authority** (ID card, passport or driving licence) **proving their identity**.

If the number of valid signatures reaches 200,000, Parliament **must order** a referendum (a so-called compulsory referendum).

If the number of valid signatures is between 100,000 and 200,000, or if the referendum was initiated by the Government or the President of the Republic, **the Parliament has the power to decide whether or not to order** a referendum (so-called optional referendum).

## **1.7. THE RULES OF THE ELECTION PROCEDURE**

Act XXXVI. of 2013 regulates the stages of the election procedure comprehensively. The Act's general provisions are applicable to parliamentary elections, along with the chapter that pertains specifically to the election of Members of Parliament, and details the special procedural rules associated with elections for parliamentary representation.

The following provides an introduction to the most important legal institutions and nodes of the election procedure.

The specification of the **basic principles of the election procedure** is important to guarantee the fairness of elections, as well as the validation of democratic requirements:

- to safeguard the fairness of elections, to prevent election frauds,
- voluntary participation in nomination, the election campaign, and voting,
- equality of opportunity among candidates and nominating organisations,
- facilitating the exercise of rights by voters with disabilities,
- exercising rights as intended, in good faith,
- publicising the electoral process.

## **1.8. THE ELECTION BODIES**

Contrary to the uniform electoral institutional background in most countries around the world, Hungary maintains traditionally a parallel system. Preparation and conduct of elections is implemented by two different bodies: the **election commissions** and the **election offices (jointly: election bodies)**. Both types are implemented on national, territorial and local level. It is important to underline, that within the framework of this 3 level 2 tier system the commissions and offices are set to cooperate with each other, commissions are not above or under offices and vice versa. Offices are administrative bodies and as such parts of a hierarchical chain of their own, while the commissions, being bodies of legal oversight and arbitration – for the sake of their independence – are not.

### 1.8.1. ELECTION COMMISSIONS

Election commissions are the voters' independent bodies subordinated to nothing but the law, whose prime responsibility is to determine the results of elections, to ensure the fairness of elections, to enforce impartiality and – if necessary – to restore the legal order of elections.

During their functioning, election commissions operate as authorities and their members are to be considered as official persons. The sessions of commissions are open to the public, and the representatives of the media.

Commissions operate as independent bodies. Votes of the majority of members present are needed for a valid decision. No abstention is allowed during decision making. An election commission is represented by the chairman.

The following election commissions will be in session at the election of Members of Parliament:

- **polling station commissions** (PSC) will operate in every polling district (in approximately 10 thousand around the country), while the duties of the polling station commission are carried out by local election commissions (LEC) in settlements that have just one polling district,
- Parliamentary **Single Mandate Constituency Election Commission** (PSMC) will operate in the 106 single member constituencies; it registers candidates of single member constituencies, decides on the objections and appeals that fall within the competence of the single member constituency, initiates proceeding at competent authorities, and determines the result of the election in the constituency,
- Territorial Election Commission judges on appeals concerning the nomination of candidates, determines the regional partial results of the national list elections,
- the **National Election Commission** (NEC) operates with nationwide powers and jurisdiction. The National Election Commission is a commission of the highest level and shall be the guardian of fair and legal elections. The NEC:
  - decides on the objections and appeals that fall within its competence,
  - supervises the counting of postal ballots,
  - determines the result of the national list part of the election,
  - issues directives on coherent interpretation of the laws for election bodies.

#### Composition of election commissions

Election commissions consist of elected members and also of delegated members appointed by independent candidates or nominating organizations that put forward candidates or national lists.

##### 1. Elected members

- Polling station commissions (PSC) have three elected members. The representative body of settlements' municipal governments elect the members on the proposal of the head of the election office.
- Three members of parliamentary single-member constituency election commissions (PSMC) and at least two substitute members shall be elected by the body of representatives of the seat municipality of the parliamentary single-member constituency on the proposal of the head of the election office of the single-member constituency.
- The seven members and three substitute members of the National Election Commission (NEC) shall be elected by the Parliament for a term of nine years on the proposal of the President of the Republic.

##### 2. Appointed (delegated) members

Although the commissions' core staff consists of "permanent" members (elected members), additional democratic control has to be ensured by granting the possibility to appoint proxies for those candidates and nominating organizations that participate in the election. Thereby in addition to the elected members, independent candidates or nominating organisations that put forward candidates/lists in the constituency can appoint further members to the election commission each.

According to the above mentioned, the following may delegate appointed members:

- Polling Station Commissions: **independent candidates** and **nominating organisations** that put forward an individual candidate and/or a list a maximum of 2 members each,

- Parliamentary Single-Member Constituency Commissions: **independent candidates** and **nominating organisations** that put forward an individual candidate to the PSMC (one each),
- Territorial Election Commission: nominating organisations that put forward a national party or national minority list (one each),
- National Election Commission: **nominating organisations** that put forward a national party or national minority list (one each).

Appointing own members to all election bodies stands in the best interest of parties and independent candidates, since this allows them to verify and facilitate the legitimate conducting of elections in person, as well as to be an active part of deciding any potential legal disputes.

The rights and obligations of the elected and delegated members are equal, but the latter do not receive an honorarium. Organisations that put forward candidates and/or list jointly can delegate one member jointly to the election commission (2 members / PSC).

The mandate of election commissions' delegated members expires when the election result is final.

### 1.8.2. ELECTION OFFICES

Election offices are bodies that perform public administrative duties associated with preparing, organising and conducting elections, providing non-partisan information to voters, candidates and nominating organisations, with data management related to elections, the availability of technical conditions, and auditing compliance with professional rules.

Election offices that function at parliamentary elections:

- **Local Election Offices** at settlement level (LEO),
- **Parliamentary Single-Member Constituency Election Offices** at the seat of parliamentary single member constituencies (PSMO),
- **Territorial Election Offices** in every county and the **Metropolitan Election Office** in Budapest (TEO/MEO),
- the **National Election Office** at national level (NEO),
- **Foreign Representation Election Offices** (FREO) in the Republic of Hungary's embassies and consulates-general,
- one member of the Local Election Office fulfills duties of the **minute keeper** for polling station commissions.

Election offices shall:

- carry out organisational tasks related to preparing and conducting elections,
- provide information to voters, candidates and nominating organisations and operate an election information service,
- act as secretariats to the election commissions; prepare cases falling within the competence of election commissions for decision,
- provide the material and technical conditions for the voting,
- oversee the handling, safeguarding and destruction of election documents,
- provide technical assistance in tallying the votes and determining the final result of the elections,
- attend to other duties defined by legal regulations.

The **National Election Office** is an autonomous public administration agency. The National Election Office shall be independent, and subject only to the law; it may not be bound by any instructions regarding its duties, and it shall carry out its tasks independently of other bodies and free of outside influence.

The National Election Office shall be an agency with an independent title in the national budget within the budgetary chapter of Parliament and shall be headed by a President. The President of the National Election Office shall be a Hungarian citizen eligible to stand for election to the Parliament appointed by the President of the Republic on the proposal of the Prime Minister.

Contrary to commissions, election offices are part of a hierarchy: the President of the National Election Office may give direct orders to the heads of all other election offices; the heads of territorial election offices may give direct orders to the heads of Parliamentary Single-Member Constituency Election Offices, to heads of Local Election Offices; and the heads of Parliamentary Single-Member Constituency Election Offices may give direct orders to the heads of Local Election Offices regarding the execution of their tasks as listed in the Act on Electoral Procedure (Hungarian short form: the “Ve.”).

Apart from the head of the superior election office, no other person or body (neither mayors, nor municipal assemblies or representatives thereof) may give orders to the heads of election offices regarding the execution of the tasks related to the preparing and conducting elections.

The members of the election offices

**Public administration officials and public servants** may be appointed as members of election offices. The heads of election offices appoint election office members.

## 1.9. VOTING

### 1.9.1. VOTING IN HUNGARY

Voters may cast their votes in polling districts.

Prior to the election day **notifications** are sent to the voters on information on the election (the name of the election; the questions put for referendum; the date and timeframe of voting; the constituency; the polling district; the address of the polling station; information on whether the polling station is accessible).

**Voters with a disability** may request the following types of assistance in exercising their right to vote: the sending of a notification in **Braille transcription**; the sending of simplified information material; use of a Braille **voting template** at the polling station or during mobile voting (9 days before election day); use of an **accessible polling** station (4 days before election day). Requests for **mobile voting** may be submitted by voters who are limited as to their movement due to their health condition, disability or detention (until noon on election day). Such requests can be submitted to the Local Election Office where the voter is enrolled.

Ballots can be cast at polling districts in Hungary **between 06.00 and 19.00 o'clock on election day**.

In case the voter stays in Hungary, but not at his/her domicile on election day, he/she may change the polling station and can vote at a designated polling station of the settlement he/she is going to stay in (domestic absentee voting). Voters who changed polling districts shall nevertheless vote using the ballot paper of the parliamentary single-member constituency according to their usual address and the national list ballot paper. Applications for changing the polling station can be requested **9 days prior to election day**.

Voters have to prove their identity and address by presenting the following **valid** documents issued by Hungarian authorities to the polling station commission:

- an **address card** AND
- a **personal identification** card OR **passport** OR **driver's license**.

The polling station commissions checks whether the voter is properly enlisted in the electoral register. Once the voter has been identified, the commission hands over **ballot-papers** to the voter and attaches the imprint of the official stamp to it in the presence of the voter. An envelope has to be handed over to the voter as well.

Voters certify their receipt of ballot-papers by signing the electoral register: one signature for the ballot-paper of the referendums, and another signature for the ballot-papers of the Parliamentary election). The voters are to cast their votes in ballot booths, but they can also do it outside the booth. Afterwards voters deposit their ballot-paper in (or without) the envelope in a ballot-box in front of the polling station commission.

### 1.9.2. VOTING ABROAD

The Hungarian election system guarantees the possibility of voting of Hungarian citizens staying or living abroad.

1. Voting of Hungarian citizens having domicile (permanent address) in Hungary, but staying temporarily abroad is conducted by the **election offices at foreign representations ('FREO')** rather than polling station commissions. **Ballots are not counted at the foreign representations**, election documents are returned in sealed ballot boxes to Hungary instead. To enhance democratic control, candidate and party **observers** may be present at the FREOs along with representatives of media and international observers.

Requests for entry in the foreign representation electoral register shall arrive on the **ninth day before election day** at the latest. Votes may be cast at foreign representations generally according to the day of voting in Hungary, between **6:00 and 19:00 local time** (differences may occur due to global time delay). Voters who vote at a foreign representation shall **vote using the ballot paper of their domestic parliamentary single-member constituency and the national list (party or national minority list) ballot paper**.

2. Hungarian citizens living abroad and **having no Hungarian domicile** (permanent address) **may vote via mail (postal ballot)**.

Voting by mail has to be requested by the entitled voters not later than the 25th day before the election day. The registration for postal voters is valid for a 10-year period. This will reset by electoral action (casting a ballot, filing a request to prolong inclusion in the register etc.), otherwise the out of country voter will be deleted from the electoral register after 10 years automatically.

The postal ballot voters can obtain their voting package via post or personally at special designated locations (some foreign representations / some domestic election authorities). The voting package contains the necessary envelopes, a voter identification declaration form, information on voting and the ballot itself. We have to outline once again, that - unlike domestic voters or voters at foreign representations -, the postal voters (lacking permanent residence in Hungary) **can only vote for a national list**, not for single member constituency candidates. To maintain the secrecy of the vote, the so-called **double envelope system** is used: the anonymous vote has to be placed in the inner, sealed envelope. Then the duly completed voter declaration form has to be attached and these two documents have to be placed together inside the outer envelope (returning envelope). The outer envelope has to be addressed to the National Election Office, it can be returned in multiple ways: using the post or via foreign representations / domestic election authorities.

The postal ballot sent by post from many places all over the world finally have to arrive at the National Election Office **on election day by the end of the voting**. Outer envelopes returned via foreign representations / domestic election authorities shall arrive at the National Election Office **on the 4<sup>th</sup> day after election day the latest**.

The NEO can start opening the outer envelopes and checking the voter declarations on the sixth day before election day at the earliest, but the anonymous inner envelopes content – the ballots – can be counted only after 19:00 on election day (closing time of domestic polling stations). Counting is done by members of the National Election Office under supervision of the National Election Commission, media, domestic party- and international observers.

### **1.9.3. REQUESTS CONCERNING THE REGISTERS**

The **special feature of the joint procedure** is that applications for the register do not have to be submitted in duplicate, but the claims made by the voter must be validated in both procedures. In the NVR the applications are to be treated as if they were one procedure.

### **1.10. DETERMINING THE RESULTS OF THE ELECTIONS**

1. Votes cast in Hungary

After counting the votes, the polling station commission determines the results of the elections and referendums in the polling district and draws up minutes thereof. The polling station commission promptly sends the minutes to the head of the Local Election Office, who makes sure that the data is recorded in the IT systems to facilitate the preliminary results and also forwards the minutes to the relevant higher level election commissions (PSMC, TEC).

Domestic absentee voting: the Local Election Office transports the closed envelopes of voters changing polling districts by means of the single member constituency election office to the National Election Office, where documents are sorted according to the addressed single member constituencies. Afterwards these votes are transported to the designated polling station commissions of the respective single member constituencies, where they are mixed with the votes cast on election day and at foreign representations.

## 2. Votes cast abroad

- Votes cast at foreign representations

Results are **not determined at foreign representations** after voting is concluded, the **sealed ballot-box is instead promptly returned to Hungary**, to the National Election Office. As (temporary out of country) voters at foreign representations can cast both ballots (single member constituency ballots and national list) the National Election Office accepts ballot boxes until 24:00 of the 4<sup>th</sup> day after election day, after which it sorts envelopes according to single member constituencies, and then hands them over to the head of the competent PSMO.

The head of the PSMO then transports the votes to the designated polling station, where they are mixed with absentee ballots and the votes cast on election day.

- Postal votes

Voting packages of postal voters will be opened by members of the National Election Office. First it is checked based on the attached voters declarations, whether the voter was a properly enrolled citizen entitled to participate in the election. If this is the case, the anonymous inner envelope can be forwarded to further processing and the contained ballot can be counted. Inner envelopes without or with an invalid voters declaration cannot be processed, the contained ballots can't be forwarded to counting. Counting is done by the members of the National Election Office under the supervision of the National Election Commission, additional party- and international observers and the media.

### 1.10.1. FINAL RESULT OF THE PARLIAMENTARY ELECTIONS

The results of **single member constituencies** (106) based on the principle of majority (first past the post) are determined - after receiving and counting the ballots of voters changing polling districts and those of cast at foreign representations - by the PSMC no later than the 6<sup>th</sup> day after the elections.

Based on the party and minority list election result minutes from the single member constituency commissions, the territorial partial result minutes from the territorial election commissions and the counting of the postal ballots the National Election Commission totals the votes upon which the 93 proportional mandates can be distributed. The election threshold is determined (based on totaled list votes) and thereafter the party lists are determined that may participate in obtaining surplus votes derived from single member constituencies and the distribution of the proportional mandates. Based on totaling party list votes and votes cast on national minority lists the so called **preferential quota** is determined: to obtain their first mandate, national minority lists have to gather only a fourth of the votes normally needed for a proportional seat. After allocating such preferential seats, the rest of the mandates shall be distributed according to the **d'Hondt formula**. The National Election Commission publishes the nationwide aggregated results of the elections no later than the 19<sup>th</sup> day after the elections.

### 1.10.2. FINAL RESULTS OF REFERENDUMS

The President of the Republic of Hungary has set 3 April, 2022 as the date for National Referendums on 4 referendum questions initiated by the Government:

1. Do you support holding information events on sexual orientation to minors, in public education institutions without parental consent?
2. Do you support the promotion of gender-reassignment treatments to minors?
3. Do you support the unrestricted exposure of minors to sexually explicit media content, that may influence their development?
4. Do you support showing minors media content on gender changing procedures?

A national referendum shall be valid if more than half of all voters have cast valid votes, and it shall be conclusive if more than half of those voting validly have given the same answer to the question asked. I.e. there is no voting equality.

The decision taken by referendum is binding on the Parliament for 3 years. If the result of the referendum requires the Parliament to pass a law, it must do so within six months.

## 1.11. LEGAL REMEDIES

### 1.11.1. TYPES OF LEGAL REMEDY

The three forms of legal remedy are objection, appeal, and request for judicial revision.

- An **objection** is a legal remedy instrument that may be lodged by enrolled voters, candidates, nominating organisations or anyone else concerned in the given case, citing reference to the infringement of legislation applicable to elections or that of the basic principles of elections and the election procedure.
- Any natural or legal person concerned in the given case may lodge an **appeal** against an election commission's first instance resolution.
- Request for **the judicial revision** of an election commission's resolution in the second instance, and against the National Election Commission's resolution may be filed by any natural or legal person concerned in the case at the Supreme Court.

As a special, extra-ordinary form of legal remedy **constitutional complaints** may be lodged citing reference to the infringement of constitutional provisions/rights only against Supreme Court decisions.

### 1.11.2. TIME LIMITS FOR LEGAL REMEDY

Time limits must be calculated in calendar days, and as of the infringement being committed or the date when the contended election commission resolution was passed.

A term of preclusion applies to time limits with respect to legal remedy in every case, excusing delays or filing certification is not possible. When examining a delay, the date that is taken into consideration is the one when the request for legal remedy arrived at the election commission. Thus in case of requests for legal remedy submitted through postal channels, it is not possible to cite reference to any delay of a mail piece, nor to the date of dispatch, which potentially was still within deadline.

As a general rule, a **3-day time limit** is implemented in the election procedure to those concerned for filing legal remedy related applications.

### 1.11.3. TYPES OF REMEDY – DETAILED

#### 1. Objections

Objections may be submitted and duty shall not be charged referencing a breach of a legal regulation pertaining to the election or the fundamental principles of election and election procedure (hereinafter: legal violation).

Objections shall be submitted so that they are received by the election commission with scope and competence in adjudging them on the third day after the legal violation at the latest. The election commission shall adjudge objections within **three days** of receipt. Objections may be withdrawn until the adoption of the election commission's resolution; however, the election commission may continue to proceed ex officio.

- If the election commission sustains the objection, it shall
  - establish the fact of the legal violation,
  - order the violator to cease the violation,
  - terminate the election procedure or the part thereof affected by the legal violation and order it to be repeated,
  - have the power to issue a fine in case of violations of the rules of election campaigns and violations of the obligations of handing over all recommendation sheets and violations of destroying supplied data.
- If the election commission does not sustain an objection, it shall dismiss it.

#### 2. Appeals

**Appeals** aim to revise first instance decisions of election commissions and may be lodged by citing reference to the infringement of legislation or a decision based on legal assessment by a commission. Natural and legal persons affected by the case may lodge this form of legal remedy.

Appeals and requests for judicial review shall be submitted to the election commission that issued the challenged resolution (except: decisions of Polling Station Commissions can be contested before the respective Single Member Constituency Commission). Appeals and requests for judicial review shall be submitted so that they are received by the election commission on or before the third day after the adoption of the contested resolution.

In the appeal, new facts and evidence may be brought up, which shall be assessed by the commission together with those that have arisen until then.

In the application for appeal, new facts and evidence may be brought up, which will be considered with equal weight in the circle of the facts and evidence already known in the proceedings.

The election commission shall make one of two decisions regarding the challenged resolution:

- uphold it, or
- alter it.

### 3. Request for judicial review

Natural and legal persons affected by the case may request the **judicial review** of second instance resolutions of election commissions and resolutions of the National Election Commission. The applicants may file their request by citing reference to the infringement of legislation or a decision based on legal assessment by a commission.

Appeals and requests for judicial review shall be submitted so that they are received by the election commission on, or before the **third day** after the adoption of the contested resolution. In the judicial review procedures, **representation by counsel shall be compulsory**.

An exception from this general rule are, requests for judicial review of resolution of the election commission regarding the approval of the content of ballot papers. These shall be submitted so that they reach the election commission that issued the challenged resolution on the day after the election commission's resolution is issued at the latest.

Requests for judicial review shall be adjudged by the **Curia (Supreme Court)**.

The Curia shall make one of two decisions regarding the challenged resolution:

- uphold it; or
- alter it.

As a basic rule, **no further legal remedy shall be available with regard to court decisions**, however any person or organisation affected in an individual case may **turn to the Constitutional Court within an extraordinary remedy**:

- If applying a law contrary to the Fundamental Law (Constitution) in the course of a court procedure conducted in the case resulted that
  - their right ensured by the Fundamental Law had been violated, and
  - they had exhausted all possible remedies, or the possibility of remedy is not ensured.
- Against the judicial decision contrary to the Fundamental Law if the in-merit decision or another decision concluding the judicial procedure
  - violates the right of the petitioner ensured by the Fundamental Law, and
  - the petitioner has exhausted available remedies, or the possibility of remedy is not ensured.

If the Constitutional Court declares that any legal regulation or any provision thereof is contrary to the Fundamental Law, it shall annul the legal regulation or provision in whole or in part. If the Constitutional Court declares that a judicial decision is contrary to the Fundamental Law, it shall annul the decision.

## 2. IT SYSTEMS OF THE ELECTION

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### 2.1. IT SUPPORT FOR THE ELECTIONS OF MEMBERS OF PARLIAMENT AND NATIONAL REFERENDUMS

The Hungarian government has been running IT systems since 1989 in order to supervise the processes of general elections, from the setting up of districts through the creation of electoral registers to determining the final legal result.

### 2.2. CORE IT SYSTEMS PROVIDING SUPPORT TO THE ELECTION OF MEMBERS OF PARLIAMENT

#### National Election System (NVR)

The Integrated Election Services System, which was created according to standard principles, is a complex system that has a shared database and data set, and is comprised of modules that are built up in an integrated manner, for supporting the following election tasks:

- reception and adjudging of requests for enrollment by voters with no Hungarian address,
- group of tasks associated with compiling electoral registers (setting up districts, compiling the initial electoral register and notification pool, keeping electoral registers up to date, closing electoral registers and generating copies of polling district electoral registers thereof, managing foreign representation electoral registers),
- group of tasks associated with preparations for the election of Members of Parliament (entry of parties, candidates, lists in the register, validation of candidate proposals, transfer of information necessary for producing ballot papers and carrying out logistics tasks, managing polling districts' information),
- production and printing of ballot papers,
- tasks to be completed on election day until voting is finished (monitoring turnout rates and extraordinary incidents),
- operative management for ballot counting by means of a management information system,
- automated determination of preliminary vote tallying and of the preliminary results,
- providing support for determining the final official (legal) results of the election and publishing these on a web-based information interface.

### 2.3. INTERNET INFORMATION SYSTEM

The information put to the official website ([www.valasztas.hu](http://www.valasztas.hu)) by the National Election Office contains non-biased, non-partisan information exclusively. The Information System is available in Hungarian and also, with limited content, in foreign languages (in English, in French and in German).

The Internet Information System consists of three parts: Parliamentary elections 2022, Referendum 2022 and General election information. The Information System ensures the provision of information to the public at large, election specialist corps, parties, and the media during the preparation and conducting of the election of Members of Parliament and the national referendum.

On the day before and after the election, at the headquarters of the National Election Office, this system will be presented to the international observers, the representatives of the Hungarian and international press and parties. Information can be asked for with regard to its operation, method and infrastructural background. In addition, a screen projection of the internet/intranet information system will also assist information provision.

The Information System provides for displaying election results in polling district depth.

### 2.4. ELECTION ADMINISTRATION SYSTEM (VÁKIR)

The Election Administration System is an information system which carries out and organizes administrative tasks associated with the elections. The foremost objective of this system is to operate a closed, secure IT communications channel among national, territorial, as well as local election bodies. This channel offers electronic messaging capability, as well as a forum to those who are registered, which allows for requesting and providing assistance by topic area.

The system can be accessed by every Local Election Office with connection to the National Telecommunication Backbone Network, to the document office and registrar network. Only duly authorized computers and users are able to log in to and use the system's closed loop network.

The system furthermore operates as a database that contains election offices' data, sorted in a geographical region system.

## **2.5. FINANCE AND LOGISTICS SYSTEM (VPIR - VLOG)**

The Finance and Logistics System has the task of providing appropriate IT applications and associated services for the efficient support of the financial, accounting, and logistics work of agencies engaging in the activities that is associated with elections.

It supports the following things on the basis of special budgetary (legal) regulations that regulate how election tasks are conducted:

- budgeting and planning purchases and cash equivalents,
- regulating financial and logistics (organization) processes,
- completing activities on deadline in a professionally sound manner that enjoys IT support,
- the coordinated work of bodies and specialists participating in execution.

3.1. ELECTORAL NOTICE



**HIRDETMÉNY**

2022. április 3-án  
6.00 órától 19.00 óráig

tartjuk az

**ORSZÁGGYŰLÉSI KÉPVISELŐK  
VÁLASZTÁSÁT**

és az

**ORSZÁGOS NÉPSZAVAZÁST.**

Amennyiben lakóhelyétől eltérő helyen szeretne szavazni,  
2022. március 25-én 16.00 óráig átjelentkezhet,  
vagy kérheti felvételét a külképviseleti névjegyzékbe.

Mozgóurnát a szavazás napján 12.00 óráig kérhet.

Részletes tájékoztatásért forduljon a polgármesteri hivatalban  
működő helyi választási irodához,  
vagy látogassa meg a [www.valasztas.hu](http://www.valasztas.hu) weboldalt.



NEMZETI VÁLASZTÁSI IRODA

### 3.2. NATIONAL ELECTION COMMISSION

#### **Elected members:**

Dr. András Téglási (*president*)

Dr. Éva Bozsóki (*vice-president*)

Dr. Róbert Sasvári

Dr. Áronné Tóta dr. Ildikó Zentai

Dr. Krisztina Lugossy-Sági

Dr. Tamás Szalay

Dr. Adrián Fábián

#### **Substitute members:**

Dr. Firicz László

### 3.3. NATIONAL ELECTION OFFICE

#### **President:**

dr. Attila Nagy

#### **Deputies:**

Dr. Soskuti-Varga Gergely  
(*vice-president, general management*)

Dr. Péter Minda  
(*vice-president, financial management*)

### 3.4. CONTACTS OF TERRITORIAL ELECTION OFFICES

County	Address	Telephone	Fax	E-mail
Bács-Kiskun	6000 Kecskemét, Deák Ferenc tér 3.	76/513-830	76/513-801	jegyzo@bacskiskun.hu
Baranya	7621 Pécs, Széchenyi tér 9.	72/500-402	72/500-469	valasztas@baranya.hu
Békés	5600 Békéscsaba, Árpád sor 18.	66/441-141	66/441-122	tvb@bekesmegye.hu
Borsod-Abaúj-Zemplén	3525 Miskolc, Városház tér 1.	46/517-724	46/352-525	tvi@hivatal.baz.hu
Budapest	1052 Budapest, Városház utca 9-11.	1-327-1177	3-188-188	ugyfelszolgalat@budapest.hu
Csongrád	6722 Szeged, Tisza Lajos Krt. 2-4.	62/886-840	62/425-435	valasztas@csongradcsanad.hu
Fejér	8000 Székesfehérvár, Szent István tér 9.	22/312-144	22/312-144	fejer@fejer.hu
Győr-Moson-Sopron	9021 Győr, Városház tér 3.	96/522-235	96/522-224	visz@gymsmo.hu
Hajdú-Bihar	4024 Debrecen, Piac u. 54.	52/507-524	52/507-514	valasztas@hbmo.hu
Heves	3300 Eger, Kossuth L. utca 9.	36/521-303	36/521-406	tvi@hevesmegye.hu
Jász-Nagykun-Szolnok	5001 Szolnok, Kossuth L. út 2.	56/795-785	56/505-999	fojegyzo@jnszm.hu
Komárom-Esztergom	2801 Tatabánya, Fő tér 4.	34/517-122	34/311-690	veres.zoltan@kemoh.hu
Nógrád	3100 Salgótarján, Rákóczi út 36.	32/522-520	32/620-151 32/620-152	valasztas@nograd.hu
Pest	1052 Budapest, Városház u. 7.	1/233-6810	1/233-6890	valasztas@pestmegye.hu
Somogy	7400 Kaposvár, Fő utca 10.	82/898-246	82/510-181	tvi@som-onkorm.hu
Szabolcs-Szatmár-Bereg	4400 Nyíregyháza, Hősök tere 5.	42/599-510	42/599-514	jegyzo@szszbmo.hu
Tolna	7100 Szekszárd, Szent István tér 11-13.	74/505-606	74/505-611	fojegyzo@tolnamegye.hu
Vas	9700 Szombathely, Berzsenyi tér 1.	94/515-700	94/515-717	drstankovits@vasmegye.hu
Veszprém	8200 Veszprém, Megyeház tér 1.	88/545-021 88/545-083	88/545-012 88/545-087	jegyzo@vpmegye.hu
Zala	8900 Zalaegerszeg, Kosztolányi D. u. 10.	92/500-711		mester.laszlo@zalamegye.hu

### **3.5. LEGAL PROVISIONS ON INTERNATIONAL OBSERVATION**

#### **Act XXXVI of 2013 (excerpt)**

##### **Section 4**

- (1) Observers from another state or an international organisation registered to observe the elections by the National Election Office
  - a) may observe the entire election procedure and be present while the election bodies work,
  - b) may view the documents of the election commissions and request copies thereof – such copies shall not contain personal data,
  - c) may put questions to members of election bodies and call their attention to the detected irregularities,
  - d) shall not hinder or influence the election procedure or the activities of the election bodies,
  - e) shall wear the registration badge supplied by the National Election Office in a visible manner and location during their activities,
  - f) shall carry out their activities impartially.
- (2) The National Election Office shall keep records on international observers. The records shall contain the name, place of birth and time of birth of each international observer, as well as the name of the sending state or international organisation. The names of international observers, as well as the name of the sending states or international organisations shall be published by the National Election Office on the official website of the elections.
- (3) Decisions on the registration and deregistration of international observers shall be made by the President of the National Election Office, and no appeal shall lie against the decision.
- (4) The personal data of international observers shall be erased from the records on the first working day after the ninetieth day following the vote.