

Act XXIII of 2022 amending certain electoral and related laws *

1. Amendment of Act XXXVI of 2013 on Electoral Procedure

Section 1 of Act XXXVI of 2013 on Electoral Procedure (hereinafter referred to as "Ve.") shall be replaced by the following provision:

Section 1 This Act shall apply in Hungary and outside the territory of Hungary

- a) in the election of Members of Parliament,
- b) at elections of local government representatives and mayors,
- c) at elections of representatives of national minority self-governments,
- d) elections of members of the European Parliament,
- (e) in any proceeding to which this Act is prescribed by law to be applied [together referred to in (a) to (e) hereinafter referred to as "election"]."

Section 2 – Section 4 of the Ve. Section 2 – Article 4. of the Ve. shall be replaced by the following:

"Article 4 (1) An observer registered by the National Election Office of another state, intergovernmental organization, international non-governmental organization or association for the purpose of observing the elections

- a) may observe the entire electoral process, may be present at the work of electoral bodies,
- b) may inspect the documents of the election committees, may request copies thereof, not containing personal data,
- c) put questions to members of electoral bodies and draw their attention to anomalies which he/she has observed,
- d) not interfere with or influence the electoral process and the activities of electoral bodies,
- e) shall wear the registration card provided by the National Election Office in a clearly visible place and manner during the performance of his/her activities,
- f) must carry out his/her activities impartially.

(2) The National Election Office shall keep a register of international observers. The register shall contain the name, place and date of birth of the international observer and the name of the person who commissioned the observer. The name of the international observer and the name of the organization shall be published by the National Election Office on the official website of the elections.

(3) The President of the National Election Office shall decide on the registration of the international observer and on his/her removal from the register, and there shall be no legal remedy against the decision.

(4) The international observer shall be registered with the National Election Office by the ninth day prior to the voting."

Section 3 - Section 15 of the Ve. Section 3 - Article 15. of the Ve. is replaced by the following:

"Article 15. (1) The members of the ballot counting committee and the members of the election committee conducting the ballot counting shall be exempted from the statutory obligation to work on the day following the day of the ballot counting and shall be entitled to an absence allowance for this period, which shall be paid by the employer.

(2) The employer may apply to the local election office for the reimbursement of the absence allowance due to the member of the election body referred to in paragraph (1) within five days of the counting of the votes."

Section 4 Paragraph (3) of Article 17 of the Ve shall be replaced by the following:

"(3) Elected members of the National Election Commission, as well as members mandated pursuant to Paragraph (1) of Article 27, may be persons who hold a law degree."

Section 5 Article 18 Paragraph (2)(d) of the Ve shall be replaced by the following:

[May not be an elected member of the election committee other than as provided in paragraph (1)]"(d) a person in a government service relationship, political service relationship, commissioner relationship, service or other employment relationship with a central state administration body under the Act on Central State Administration Bodies and the Status of Members of the Government and State Secretaries or other public administration body with jurisdiction in the area of competence of the election committee, with the exception of public servants, employees and persons in a health service employment."

Section 6 Article 27. of the Ve shall be replaced by the following:

(1) One additional member of the National Election Commission shall be appointed by the parties whose members form a parliamentary group in the National Assembly.

(2) Following the calling of the general election of Members of Parliament, one additional member of the National Election Commission shall be appointed by the nominating organizations that have established a national list and are not entitled to appoint a member pursuant to paragraph (1).

(3) After the election of the Members of the European Parliament has been called, one additional member of the National Election Commission shall be appointed by the nominating organizations that have drawn up the list and are not entitled to appoint a member pursuant to paragraph (1)."

Section 7 The following paragraph 4 shall be added to Article 29 of the Ve:

(4) Based on Paragraphs (2) and (3) of Article 27, nominating organizations which establish a joint list with the party entitled to be mandated pursuant to Paragraph (1) shall also be entitled to mandate a member to the National Election Commission."

Section 8 Paragraph (4) of Article 30 of the Ve shall be replaced by the following:

"(4) The notification of the ballot counting commission, as well as the notification of the delegated member of the local election commission in a settlement with one electoral district may be submitted in person to the head of the parliamentary single mandate constituency election office competent according to the location of the local election office until the expiry of the deadline specified in paragraph (2). The notification shall be forwarded by the head of the parliamentary single mandate constituency election office to the head of the local election office competent for the area of operation of the ballot counting commission or local election commission concerned no later than the day following its submission."

Section 9 The following (5) Paragraph is added to Article 33. of the Ve:

"(5) The mandate of the delegated member of the ballot counting commission shall last until the results of the election related to the nomination or list establishment specified in Article 28, which is the legal basis of the mandate, become final."

Section 10 Paragraph (4) of Article 37 of the Ve shall be replaced by the following:

"(4) If the oath or oath is not taken within the time limit specified in paragraph (1), the oath or oath shall be taken before the Speaker of Parliament instead of the National Assembly, before the Lord Mayor instead of the Mayor, or before the Speaker of the County Assembly instead of the Lord Mayor, or before the Speaker of the National Election Commission instead of the Lord

Mayor or the Speaker of the County Assembly. The person entitled under paragraph (3) may take the oath or the oath after the time limit under paragraph (1)."

Section 11 Paragraph (3) of Article 41 of the Ve shall be replaced by the following:

"(3) The member of the National Election Commission mandated pursuant to paragraphs (2) and (3) of Article 27 shall not be counted for the purposes of quorum."

Section 12 (5) "(5) The member of the National Election Commission mandated pursuant to paragraphs (2) and (3) of Article 27 shall not have the right to vote but may participate in the meetings of the National Election Commission with the right to deliberate."

Section 13 Paragraph (2) of Article 49 of the Ve shall be replaced by the following:

"(2) The election commission shall make its decision public, with the exception of personal data not considered to be public data in the public interest. Pursuant to this Act, the name of the candidate, the nominating organization, the media service provider and the name of the press product shall be public data."

Section 14 The following paragraph 2a is added to Article 54 of the Ve:

"(2a) The President of the National Election Office may make transfers of appropriations from the expenditure appropriations of the National Election Office for the current year to other bodies participating in the conduct of elections, which are necessary for the performance of electoral tasks in the given budgetary year."

Section 15 Ve. Paragraph (4) of Article 66 of the Ve shall be replaced by the following:

"(4) If the office pursuant to paragraphs (1) to (3) is vacant, or if the notary, chief notary is unable to perform his/her duties due to absence exceeding thirty days, the head of the regional election office shall be appointed by the president of the National Election Office, the head of the parliamentary single mandate constituency election office and the head of the local election office shall be appointed by the head of the regional election office."

Section 16 Paragraph (1) of Article 68 of the Ve shall be replaced by the following:

(1) Civil servants, government officials and civil servants, as well as employees of the mayor's office or joint municipal office or county municipal office of the place of their seat may be appointed as members of the election office."

Section 17 The following paragraph (3) is added to Article 94 of the Ve:

In the case of general elections of Members of Parliament and elections of Members of the European Parliament, the consideration of the application pursuant to Article 84 shall be suspended between the twenty-fifth day preceding the day of voting and the day on which the result becomes final."

Section 18 Article 127 of the Ve shall be replaced by the following:

" Article 127 (1) The verification of the recommendations shall be carried out within three days of the notification of the candidate.

(2) The election office shall not verify the recommendations if the number of recommendations on the submitted recommendation forms does not reach the number required for candidacy.

(3) Batch verification of the recommendations need not be continued if it is certain that the number of valid recommendations reaches the number required for candidacy.

(4) The election office shall inform the election commission competent to register the candidate and - upon request - the candidate, nominating organization of the result of the verification of the recommendations."

Section 19 Article 135 of the Ve shall be replaced by the following:

„ Article 135 (1)" The National Election Office shall keep an authentic, electronic register of the nominating organizations, candidates and lists notified and registered, with the data content specified in Annex 4. Changes to the register shall be entered in the register by the election office operating alongside the election committee that registered the candidates.

(2) The data of candidates shall be continuously updated based on the data of the central register.

(3) The election office shall inform the election committee of the deletion of nominating organization, candidate, and list from the register at the next meeting."

Section 20 Paragraph (1) of Article 137 of the Ve shall be replaced by the following:

"(1) A candidate shall be disqualified if he/she is deleted from the central register of candidates before the start of voting in Hungary, loses the right to stand for election, or the nominating organization nominating the candidate is deleted from the register of nominating organizations, candidates and lists. Furthermore, a candidate shall be disqualified if he/she withdraws from the nomination by 16.00 on the second day before the voting, after electronic identification, by submitting a written declaration in person or by proxy to the election office of the election committee deciding on the registration. The name of the eliminated candidate shall be deleted from the register of nominating organizations, candidates and lists and from the individual ballot papers."

Section 21 Article 138 of the Ve. shall be replaced by the following:

Article 138. "The list shall be eliminated if the nominating organization withdraws the list, if all candidates on the list are eliminated before the start of voting, and if the National Election Office deletes the nominating organization from the register of nominating organizations, candidates and lists. The eliminated list shall be deleted from the register of nominating organizations, candidates and lists and from the ballot papers."

Section 22 Article 154 of the Ve shall be replaced by the following:

„ Article 154. 1) The fee for the provision of data pursuant to Section 153 shall be three forints per voter included in the data provision.

2) The provision of the data shall be subject to the condition that the requesting party certifies the payment of the data provision fee to the account of the National Election Office."

Section 23 Paragraph (2) of Article 162 of the Ve shall be replaced by the following:

"(2) If, following the approval of the data content of the ballot paper, the data content of the ballot paper changes as a result of a decision on legal remedies or deletion from the register, the election office shall ensure that the changes are entered on the ballot paper and shall inform the election committee and the nominating organizations and independent candidates concerned thereof."

Section 24 - Article 175 of the Ve shall be replaced by the following:

" Section 175 (1) Voters who appear on the printed electoral register of polling stations may vote at the polling station.

(2) A voter who is on the list of voters who require a ballot box may also vote at the polling station, provided that the list is in the polling station."

Section 25 - Article 179 (1) of the Ve shall be replaced by the following provision:

"(1) The voter shall certify the receipt of the ballot paper with his/her handwritten signature on the printed electoral district register, or in the case pursuant to paragraph (2) of Article 175 on the list of citizens requiring a ballot box."

Section 26 The following paragraph (3) is added to Article 257/A of the Ve :

„(3) The number of separate polling stations or sub-polling districts shall be so arranged that the number of voters on the electoral roll in each polling station or sub-polling district does not exceed eight hundred."

Section 27 The following paragraph (4) is added to Article 277 of the Ve:

"(4) A voter who does not receive the ballot-postal package sent in accordance with paragraph (1) by the seventh day preceding the day of voting may request in person the replacement of the ballot-postal package at any foreign representation or parliamentary single mandate constituency election office. Before handing over the postal voting package, the election office shall check whether the voter is included in the register of voters and whether he/she has requested the postal delivery of the postal voting package."

Section 28 Paragraph (2) of Article 278 of the Ve shall be replaced by the following:

"(2) The voter's name shall be entered on the voter's

(a) the name of the voter,

(b) place of birth,

c) his/her personal identification number or the number of his/her official identity card or, in the absence thereof, the number of his/her naturalisation document."

Section 29 (1) Paragraph (2) of Article 289 of the Ve shall be replaced by the following provision:

"(2) When examining the voting documents, the election office shall check the received voting document without opening the inner envelope containing the ballot paper. The electoral office shall verify the content of the declaration of identification on the basis of the list of voters who voted by post. If necessary, the National Election Office shall also check the content of the declaration of identity in the register of official identity cards, the register of naturalisation documents by direct access to data or by requesting the body responsible for citizenship matters, or in the register of citizens' personal and address data."

(2) Paragraphs (7) and (8) of Article 289 of the Ve. shall be replaced by the following provisions:

"(7) For the purposes of paragraph (3)(g), only a ballot paper which is valid or which is not invalid for a reason under paragraph (3)(e), (f) or (i) shall be deemed to be a ballot paper already cast by a voter.

(8) If the voting document is valid or invalid for reasons other than those referred to in paragraph (3)(e), (f) or (i), the election office shall indicate in the central register that the voter has submitted a voting document."

Section 30 Paragraphs (1) to (3) of Article 297 of the Ve shall be replaced by the following provisions:

"(1) The parliamentary single mandate constituency election committee shall decide

a) on objections to the activity and decision of the ballot counting committee, as well as on objections to other acts committed in the polling station,

b) any objection that is specifically related to the single mandate constituency election,

c) on appeals against the decision of the local election committee on the subject of the objection made pursuant to paragraph (2) of Article 32 and against the decision of the head of the local election office on the subject of the objection made pursuant to paragraph (3) of Article 32.

(2) The regional election committee shall decide on the appeal against the decision of the parliamentary single mandate constituency election committee made pursuant to paragraph (2) of Article 32, paragraphs (2) to (3) of Article 124 and paragraph (2) of Article 252.

(3) The National Election Committee shall decide

a) on any objection which does not fall under paragraph (1) b),

b) except as provided for in paragraph (2), on appeals against the decision of the parliamentary single mandate constituency election committee,

c) on appeals against the decision of the regional election committee pursuant to Section 32(2)."

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Section 31 - Article 310 of the of the Ve shall be replaced by the following:

Article 310. (1) The costs of the preparation and conduct of by-elections shall be provided for from the budget of the national minority self-government if the by-election has to be held because

a) the body of representatives or assembly has been dissolved,

b) the body of representatives or assembly has been dissolved.

(2) The national minority self-government shall advance the costs of the by-election pursuant to paragraph (1) to the election office of the election committee competent to call the by-election, prior to the calling of the by-election."

Section 32 Article 346(l) is added to the Ve:

(The Minister is empowered to make regulations)

"l) the detailed rules for the advance payment under section 310(2)."

Section 33

a) in Article 2(3), the words "data of public interest and data in the public interest" shall be replaced by the words "data of public interest and data in the public interest relating to the election called",

b) in Article 19(4), the words "the delegated members of the National Election Committee" shall be replaced by the words "the members of the National Election Committee delegated pursuant to Article 27(1)",

c) in Article 33(1)(b), the words "until the day of the calling of the next general election of Members of Parliament" shall be replaced by the words "until the day of the constituent sitting of Parliament",

(d) in Article 34(2), the words "(1)(a), (b), (d) and (e)" shall be replaced by "(1)(b)",

(e) in Article 34(4), the words '(1)(c) and (f)' shall be replaced by '(1)(a) and (c) to (f)',

(f) in Article 82(1), the words "conducted by the National Election Office" shall be replaced by the words "conducted by the National Election Office and the local election offices",

g) in Article 94(2), Article 113(2) and Article 235(2), the words "on the second day" shall be replaced by the words "on the second day by 10 a.m.",

(h) in Article 103(2)(a)(ab) and Article 105/A, the words 'second day' shall be replaced by 'second day until 10 a.m.,

(i) in Article 103(2)(a)(ac), the words '16 hours on the second day' shall be replaced by '10 hours on the second day',

(j) in Article 106(1), the words '16 hours on the second day' shall be replaced by '10 hours on the second day',

k) in Article 106(2), the words "the day before" shall be replaced by the words "the second day before",

(l) in Article 107(3), the words 'Article 104(2)' shall be replaced by 'Article 104(3)',

- (m) in Article 110(1), the words ' Article 103, Article 250' shall be replaced by ' Article 103, Article 105/A, Article 250',
- n) in Article 136, the words "National Election Committee" are replaced by "National Election Office",
- (o) in Article 248, the words "sixteenth day" shall be replaced by "ninth day",
- p) in Article 249, paragraph 1, point a), the words "second day" shall be replaced by the words "second day by 10 a.m.",
- (q) in Article 250(5)(b), the words "second day" shall be replaced by "second day until 10 a.m.",
- r) in Article 254(2) to (3), the words "National Election Committee" shall be replaced by "National Election Office",
- (s) in Article 307/A(4)(b) and Article 307/B(2), the words 'second day' shall be replaced by 'third day',
- t) in Article 307/J(2) and Article 307/K(2), the words "Election Committee" shall be replaced by "Election Office",
- (u) in Article 314(1) to (2) and Article 315, the words "sixteenth day" shall be replaced by "ninth day",
- v) in Article 317 (2) and Article 320 (2), the words "election committee" shall be replaced by the words "election office",
- w) in the opening wording of Article 340, the words "or deletes" shall be replaced by the words "or the National Election Office deletes".

Article 34 No longer in force in the Ve

- a) Article 42 (2),
- (b) Article 307/G(3),
- (c) in Article 308, the words ', Article 307/G(3)'

2. Amendment of Act CLXXIX of 2011 on the Rights of Nationalities

Section 35 Point 14 of Article 2 of Act CLXXIX of 2011 on the Rights of Nationalities (hereinafter: Njtv.) shall be replaced by the following provision:

(For the purposes of this Act:)

"14 for the purposes of Articles 50-72, a national minority organization: an association listed as a national minority association in the court register of civil organizations, with the exception of political parties and trade unions, for at least 3 years prior to the year of the election of the national minority self-government;"

Section 36 The following paragraph (4) shall be added to Article 69 of the Njtv:

"(4) A by-election shall be called if a body of representatives or an assembly is dissolved or is declared dissolved and the national minority self-government advances the costs of the by-election."

Section 37 The following point (f) shall be added to Paragraph (1) of Article 74 of the Njtv: (The national minority self-government shall cease to exist if)

"(f) the body of representatives or assembly has been dissolved or declared dissolved, and the national minority self-government does not advance the costs of the by-election, on the day of the declaration of dissolution or dissolution."

Section 38 Paragraph (2) of Article 75 of the Njtv. shall be replaced by the following provision: "(2) The term of office of the body of representatives and the general assembly of the national minority self-government shall end

- a) if the term of office of the body has expired,
- b) on the day of the dissolution of the national minority self-government,

c) on the day the number of members falls below the number required for the functioning of the body,

d) on the day of a by-election due to the dissolution or declaration of dissolution of the body, as provided for in Article 69(4)."

Article 39 Article 69(3)(c) and (d) of the Njtv. shall cease to apply.

3. Amendment of Act I of 2012 on the Labour Code

Section 40 The following paragraph (7) shall be added to Article 51 of Act I of 2012 on the Labour Code:

"(7) Employees shall be given the opportunity to vote in elections to the Parliament, to the European Parliament, to local government representatives and mayors, and to representatives of national minority municipalities, as well as in referendums."

4. Amendment of Act LXXXVII of 2013 on Making the Campaign Costs of Elections of Members of Parliament Transparent

Section 41 Paragraph (3) of Article 4 of Act LXXXVII of 2013 on Making the Campaign Costs of Election of Members of Parliament Transparent (hereinafter: Kktv.) shall cease to have effect.

Section 42 Annex 1 to the Kktv is amended as set out in Annex 1.

5. Amendment of Act CCXXXVIII of 2013 on the Initiative of Referendum, the European Citizens' Initiative and the Referendum Procedure.

Section 43 The following paragraph (3) shall be added to Article 1 of Act CCXXXVIII of 2013 on the Initiative of Referendum, the European Citizens' Initiative and the Referendum Procedure (hereinafter: Nsztv.):

"(3) Paragraph (4) of Article 2(4) of the Act shall also apply to the signature-collection sheet."

Section 44 "(1) If

a) the time limit for appealing against the decision certifying the question has expired without result,

b) in the case of a legal remedy, the time limit for lodging a constitutional complaint against the decision of the Curia has expired without result, or

c) the decision of the Constitutional Court rejecting or dismissing the constitutional complaint has been published in the official gazette of the Constitutional Court's Decisions, the National Election Office shall immediately, but not later than within five days, deliver to the organizer the signature-collecting sheet containing the certified question, in the quantity requested by the organizer after the occurrence of the event indicated in points a) to c). The National Election Office shall provide each signature collection sheet with a unique identifier."

Section 45 Article 18 of the Nsztv. shall be replaced by the following provision:

" Article 18 (1) The collection of signatures shall be suspended between the 50th day preceding the day of the general election of Members of Parliament, Members of the European Parliament, local government representatives and mayors, and representatives of national minority self-governments and the 30th day following the voting.

(2)(2) If the organizer does not complete the collection of signatures by the 50th day before the day of the general election of the Members of Parliament, Members of the European Parliament, local government representatives and mayors or representatives of national minority self-governments, the signature collection forms containing the signatures collected until then and those not containing signatures shall be handed over to the National Election Office no later than the 40th day before the day of the election. In case of failure to comply with this obligation, the National Election Committee shall impose a fine ex officio. The amount of the fine shall be

eight hundred forints for each signature collection sheet not submitted, but in total it shall not exceed five times the monthly amount of the mandatory minimum wage in the case of a voter or ten times the monthly amount in the case of an organization.

(3) Signatures collected on signature collection forms not submitted within the time limit specified in paragraph (2) shall be invalid.

(4) On the thirty-first day following the day of voting, the National Election Office shall hand over to the organizer the number of signature collection sheets containing the certified question requested by the organizer."

Section 46 The following paragraph (5) is added to Article 30 of the Nsztv:

"(5) A constitutional complaint against the decision of the Curia pursuant to paragraph (1) may be filed within eight days of the publication of the decision of the Curia in the Hungarian Gazette. The Constitutional Court shall decide on the constitutional complaint within thirty days."

Section 47 Paragraph (1) of Article 43 of the Nsztv. shall be replaced by the following provision:

"(1) Within five days after the expiry of the time limit for legal remedies against the decision certifying the question - in case of legal remedies, the expiry of the time limit for filing a constitutional complaint against the decision of the court of law, or the publication of the decision of the Constitutional Court rejecting or dismissing the constitutional complaint in the official gazette of the Constitutional Court's decisions - the head of the local election office shall affix a certification seal to the specimen signature collection form and hand it over to the organiser."

Section 48 The Nsztv. The following paragraph (4) is added to Article 57:

"(4) The tribunal shall send its decision without delay to the local election office, which shall publish it on its website no later than on the working day following its receipt, indicating the date of publication. A constitutional complaint against the decision of the tribunal may be lodged within eight days of the publication of the decision of the tribunal on the website of the local election office. The Constitutional Court shall decide on the constitutional complaint within thirty days."

Section 49 Paragraph (2) of Article 69 of the Nsztv. shall be replaced by the following provision:

"(2) The National Election Committee shall determine, within five working days after the calling of the national referendum, the period of time during which the public service media service provider shall be obliged to publish the political advertisements of the eligible persons pursuant to paragraph (1) in its linear media services. The time allowed for the broadcasting of political advertisements shall be three hundred minutes per referendum, divided equally among the holders of rights. In the case of several referendums on the same day initiated by the same initiator or, in the case of a citizens' initiative, by the same organiser, the total time allowed for the publication of political advertisements shall be three hundred minutes."

Article 50 Article 95(b) of the Nsztv. shall be replaced by the following:

(this Act)

"(b) Article 30(5), Article 57(4), Article 79(5), Article 98 and Article 101(3) of the Fundamental Law, pursuant to Article 24(9) of the Fundamental Law,"

(considered to be a cardinal law.)

6. Final provisions

Article 51 (1) This Act shall enter into force on the day following its promulgation, with the exception specified in paragraph (2).

- (2) Articles 18, 33(g) to (k), (o) to (q), (s) and (u) shall enter into force on 1 October 2022.
Article 52 (1) Articles 1 to 25, Article 32, Article 33(a) to (n) and Article 34(a) shall be deemed to be cardinal pursuant to Article XXIX(3), Article 2(1) and Article 35(1) of the Fundamental Law.
- (2) Articles 26 to 30, 33(o) to (r), Chapter 4 and Annex 1 shall be deemed to be cardinal pursuant to Article 2(1) of the Fundamental Law.
- (3) Points (s) and (t) of Article 33 and point (b) of Article 34 shall be deemed to be fundamental pursuant to Article 35 (1) of the Fundamental Law.
- (4) Articles 31, 33(u) and (v), 34(c) and Subsection 2 shall be deemed to be cardinal pursuant to Article XXIX(3) of the Fundamental Law.
- (5) Articles 46 and 48 shall be deemed to be cardinal pursuant to Article 24(9) of the Fundamental Law.
- (6) Article 49 is a cardinal provision pursuant to Article IX(3) of the Fundamental Law.

Annex 1 to Act XXIII of 2022

Point a) of Annex 1 to Act LXXXVII of 2013 on the Transparency of Campaign Expenditure in the Election of Members of Parliament shall be replaced by the following:

(The amount of subsidies to national minority self-governments standing a national minority list in the general election of Members of Parliament shall be allocated according to the following procedure.)

"(a) The number of voters included in the central register of voters as national minority voters, with the exception of voters whose nationality does not have a legally registered national minority list, shall be added together (hereinafter referred to as "total national minority voters").

"VE Amendment