

# Act CCXXXVIII of 2013

## on initiating referendums, the European Citizens' Initiative and referendum procedure

It is a constitutional principle that power is held by the people. It exercises its power within the framework of the Fundamental Law, primarily through its elected representatives. It is part of the democratic exercise of power that the citizens may participate directly, through referendum in deciding the most important issues affecting the fate of the country. The communities of local governments enjoy the same rights in their exercise of local public power.

In light of these basic principles and for the implementation of Article 8 and Article 31 (2) of the Fundamental Law, the National Assembly adopts the following Act:

### *Chapter I*

#### *GENERAL PROVISIONS*

**Section 1** (1) Subject to the derogating provisions laid down in this Act, the General Part of Act XXXVI of 2013 on election procedure (hereinafter the "Election Procedure Act") shall apply to the proceedings falling under the scope of this Act.

(2) The National Election Commission may issue guidelines for election bodies for the uniform interpretation of legislation on procedures regulated in this Act.

(3) Section 2 (4) of the Election Procedure Act shall apply to also signature gathering forms.

### *Chapter II*

#### *INITIATING A NATIONAL REFERENDUM*

##### **1. The organiser of a voters' initiative**

**Section 2** (1) A voters' initiative for a national referendum may be organised by the following:

*a)* a private person who has the right to vote at election of the Members of the National Assembly,

*b)* a political party,

*c)* an association that does not have the legal status of a political party (hereinafter "other association") on matters relating to any objective set out in its instrument of incorporation.

(2) An initiative may have multiple organisers. In such a case, the organisers shall designate a person for communication with election bodies.

##### **2. Submission of the question proposed for a referendum**

**Section 3** (1) Before commencing signature gathering, the organiser shall submit the proposed referendum question to the National Election Commission for approval.

(2) An initiative shall include a single question.

(3) When submitting a question, the private person organiser shall provide the National Election Commission with his name, address and personal identifier or, if he has no personal identifier, the number of his official identity verification card.

(4) Another association shall attach also its instrument of incorporation when submitting a question.

(5) The National Election Office shall verify the existence of the political parties or other associations and the authenticity of their data in the court register of non-governmental organisations.

**Section 4** (1) A question shall be submitted with supporting signatures from not less than twenty and not more than thirty voters.

(2)

(3) Section 15 (2) and (3) shall apply to the signatures of supporting voters.

(4) The National Election Office shall verify in the central electoral register whether the organiser and the supporting voters have the right of suffrage.

(5) When establishing the number of supporting voters, the private person organiser shall also be taken into account.

**Section 5** The President of the Republic and the Government shall submit the question proposed for a referendum initiated by them to the National Election Commission for approval.

**Section 6** (1) The question shall be submitted in person or by mail.

(2) The date of submission shall be the date on which the question is filed by the National Election Office.

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**Section 7** On the working day after the day of the submission of the question, the National Election Office shall publish the question submitted, the date of its submission and the name of the organiser.

**Section 8** (1) No other question on the same subject shall be submitted

*a)* after the National Election Commission establishes in a final and binding conclusive decision under section 22 (3) that the number of valid signatures is at least two hundred thousand

*aa)* until the conclusive decision refusing to order the referendum becomes final and binding,

*ab)* until the referendum is held, or

*ac)* until the expiry of the period under section 31 (2),

b) after the National Assembly orders the referendum with final and binding effect pursuant to the second sentence of Article 8 (1) of the Fundamental Law,

ba) until the referendum is held, or

bb) until the expiry of the period under section 31 (2).

(2) After the submission by the organiser of the proposed referendum question, the President of the Republic and the Government shall not submit another question on the same subject

a) within sixteen days following a decision rejecting the question under section 10 (1) by the president of the National Election Office if it has not been submitted again,

b) until the expiry under section 29 (1) of the time limit for submitting a review application against the decision concerning the approval of the question if no review application was submitted against the decision refusing to approve that question,

c) up until 0.00 o'clock on the day after the publication under section 30 (3) in the official gazette *Magyar Közlöny* of the decision by the Curia

ca) upholding the decision by the National Election Commission refusing approval, or rejecting, without any examination as to its merits, the review application submitted against that decision, or

cb) amending the decision by the National Election Commission approving the question,

if a review application against the decision concerning the approval of the question has been submitted,

d) until the referendum initiative is withdrawn,

e) until the time limit for the submission of signature gathering forms expires without result,

f) until the conclusive decision refusing to order the referendum becomes final and binding,

g) until the referendum is held, or

h) until the expiry of the period under section 31 (2).

(3) Two questions shall be considered to be on the same subject if they would impose obligations on the National Assembly that are, even if only in part, identical or mutually exclusive.

**Section 9** (1) The proposed referendum question shall be worded in a manner that allows for a straightforward answer, and that on the basis of the referendum results, the National Assembly can decide whether it has an obligation to legislate and if so, in what form.

(2) The proposed referendum question shall not contain any expression that is indecent or causes outrage in any other way.

### 3. Approving the question

**Section 10** (1) Where an initiative is clearly contrary to the constitutional purpose and function of the legal institution of the national referendum, or where it does not meet the conditions set out in sections 2 to 4, section 6 and section 8 (1), the president of the National Election Office shall reject, in a conclusive decision, the question within five days after submission, and shall not put it forward to the National Election Commission. Section 46, section 47, section 48 (3) and section 50 of the Election Procedure Act shall apply to the content and communication of a conclusive decision rejecting a question.

(2) No legal remedy shall lie against the conclusive decision of the president of the National Election Office; the organiser, however, may submit the question again. Approval of a question submitted again shall be put on the agenda of the National Election Commission, except where the number of supporting voters, including private person organisers, does not reach twenty.

(3) If the organiser submits the question again within fifteen days after the communication of the conclusive decision by the president of the National Election Office rejecting the question, for the purposes of section 8, the date of the first submission shall be considered to be the date of the submission of the question.

**Section 11** (1) The National Election Commission shall decide whether to approve or refuse to approve the question within sixty days after submission. The National Election Commission shall approve the question if it meets the conditions set for the question in the Fundamental Law and in this Act.

(2) In its conclusive decision approving the question, the National Election Commission shall determine whether the circumstance specified in section 8 (3) exists.

(3) If the circumstance specified in section 8 (3) occurs after the approval of the question, the National Election Office shall, without delay, notify the organiser thereof in writing by sending him the final and binding conclusive decision to that effect.

(4) The National Election Office shall inform, without delay, the voters on the official website of the elections about questions on the same subject. This information shall contain

*a)* the date of the approval with final and binding effect of the question on the same subject,

*b)* the date on which the signature gathering forms containing a question on the same subject were submitted pursuant to section 19 (1),

*c)* the final and binding findings under section 22 (3) of the verification of signatures on signature gathering forms that are submitted pursuant to section 19 (1) and contain questions on the same subject,

*d)* the date of the decision by the National Assembly ordering with final and binding effect the referendum pursuant to the second sentence of Article 8 (1) of the Fundamental Law concerning referendum initiatives on the same subject,

*e)* the date of the decision by the National Assembly not ordering the referendum under the second sentence of Article 8 (1) of the Fundamental Law concerning referendum initiatives on the same subject, and

f) the referendum initiatives which are suspended under section 19/B (2) a), and those which are stayed under section 19/C (1).

(5) If a final and binding conclusive decision under section 22 (3) by the National Election Commission establishes that the number of valid signatures is at least two hundred thousand, or if the National Assembly ordered with final and binding effect the referendum pursuant to the second sentence of Article 8 (1) of the Fundamental Law, another question on the same subject shall not be approved.

**Section 12** If the question proposed for referendum contains an expression that is indecent or causes outrage in any other way, the National Election Commission shall reject the initiative without any examination as to its merits.

**Section 13** (1) The National Election Commission shall publish its conclusive decision approving the question in the official gazette *Magyar Közlöny* within eight days.

(2) The National Election Commission shall publish in the official gazette *Magyar Közlöny* a notice of its conclusive decision refusing to approve the question, including also a conclusive decision rejecting the initiative; this notice shall contain

a) the number of the conclusive decision,

b) the fact that approval is refused, and

c) information that the conclusive decision is accessible on the official website of the elections.

(3) The National Election Commission shall publish on the official website of the elections its conclusive decision approving or refusing to approve the question, including also a conclusive decision rejecting the initiative, on the day of passing that conclusive decision.

**Section 14** (1) If

a) the time limit for legal remedy against a decision approving the question expires without result;

b) if legal remedy is sought, the time limit available for submitting a constitutional complaint against the decision of the Curia expires without result; or

c) the decision of the Constitutional Court rejecting or dismissing a constitutional complaint is published in the official gazette *Alkotmánybíróság Határozatai*;

the National Election Office shall, without delay following the occurrence of an event referred to in points a) to c), but not later than within five days, hand over to the organiser the signature gathering forms containing the approved question in the quantity requested by the organiser. The National Election Office shall affix a unique identifier to each of the signature gathering forms.

(1a) Where an organiser submits a request for signature gathering forms after an event referred to in paragraph (1), the National Election Office shall hand over the signature gathering forms to the organiser within five days following the request.

(2) The organiser may, at any time during the period for gathering signatures, request additional signature gathering forms.

(3) The National Election Office shall indicate the proposed referendum question on the signature gathering forms.

(4) Within five days after the expiry without result of the time limit for legal remedy against a decision approving a question submitted by the President of the Republic or the Government, or if legal remedy is sought, after the expiry without result of the time limit for submitting a constitutional complaint against a decision by the Curia or the publication in the official gazette *Alkotmánybíróság Határozatai* of a decision of the Constitutional Court rejecting or dismissing a constitutional complaint, the chair of the National Election Commission shall notify the Speaker of the National Assembly of the approval of the question submitted by the President of the Republic or the Government.

#### 4. Signature gathering

**Section 15** (1) Support for a voters' initiative for a national referendum may be expressed on a signature gathering form issued by the National Election Office. A signature of support shall not be withdrawn.

(2) The data of the voter shall be indicated on the same page as the question. The supporting voter shall sign the signature gathering form in his own hand. The family and given name, personal identifier and address of the signing voter shall be legibly recorded on the signature gathering form. A voter with no address in Hungary may record on the signature gathering form the number of his official identity verification card and his date of birth instead of his personal identifier and address.

(3) A voter may support an initiative by a single signature; his further signatures shall be invalid.

(4) The persons gathering signatures shall indicate on the signature gathering forms

a) their name,

b) their personal identifier or the number of their official identity verification card and shall sign the signature gathering forms.

**Section 16** (1) Signatures may be gathered without disturbing voters anywhere except as provided in paragraph (2).

(2) Signatures shall not be gathered

a) at the workplace of the person gathering signatures and the signing person during working hours, or while one or the other is fulfilling his obligations to perform work arising from employment or other employment-related relationship,

b) from persons employed under a service relationship at the Hungarian Defence Forces or a central state administration organ at their service post or while they are performing their duty,

c) on means of public transport,

d) in the official premises of state and local government organs and the organs of national minority self-governments,

e) in the premises of healthcare providers,

f) in higher education and public upbringing institutions,

g) on private properties open to the public without the written consent of the owner given in advance.

(3) It shall be forbidden to grant or promise advantages to signing voters in return for their signature. Signing voters shall be forbidden to ask for or accept advantage or a promise thereof in return for their signature.

**Section 17** Signatures gathered in a manner that is not in compliance with section 15, or in breach of the provisions set out in section 16, shall be invalid.

**Section 17/A** If a final and binding conclusive decision under section 22 (3) by the National Election Commission establishes that the number of valid signatures is at least two hundred thousand, or if the National Assembly ordered with final and binding effect the referendum pursuant to the second sentence of Article 8 (1) of the Fundamental Law, no signature gathering forms shall be handed over to the organiser for a referendum initiative on the same subject.

**Section 18** (1) In the period between the fiftieth day before the date of the general election of the Members of the National Assembly, the Members of the European Parliament, of local government representatives and mayors, and of national minority self-government representatives and the thirtieth day after the voting, the signature gathering shall be suspended.

(2) If the organiser does not finish signature gathering by the fiftieth day before the date of the general election of the Members of the National Assembly, the Members of the European Parliament, of local government representatives and mayors, and of national minority self-government representatives, he shall be required to hand over the signature gathering forms with the signatures so far gathered and the signature gathering forms without any signatures to the National Election Office not later than on the forty-ninth day before voting date. If he fails to comply with this obligation, the National Election Commission shall impose a fine *ex officio*. The amount of fine shall be eight hundred forints for each signature gathering form not submitted, but in total not more than five times the monthly amount of the mandatory minimum wage for a voter, or ten times the monthly amount of the mandatory minimum wage for an organisation.

(3) Signatures gathered on signature gathering forms that are not handed over within the time limit specified in paragraph (2) shall be invalid.

(4) On the thirty-first day after voting date, the National Election Office shall hand over to the organiser the signature gathering forms containing the approved question in the requested quantity.

## 5. Verification of signatures

**Section 19** (1) Within one hundred and twenty days after receiving the signature gathering forms under section 14 (1) or (2), but not later than within one hundred and twenty days after the tenth day following an event referred to in section 14 (1), the organiser may submit the

signature gathering forms of the citizens' initiative for a national referendum to the National Election Office on a single occasion for the verification of signatures. The period specified in section 18 (1) and the period of suspension under section 19/B (6) *b*) shall not be calculated into this time limit.

(2)

(3) At the time of the submission under paragraph (1), but not later than on the last day of the time limit for the submission of signature gathering forms under paragraph (1), the organiser shall hand over all signature gathering forms to the National Election Office. If he fails to comply with this obligation, the National Election Commission shall impose a fine *ex officio* pursuant to the provisions of section 18 (2).

(4) Signatures on signature gathering forms that are submitted late or as a supplement or by a person other than the organiser or handed over pursuant to section 19/A (1) shall be invalid.

**Section 19/A** (1) If the National Assembly ordered with final and binding effect the referendum pursuant to Article 8 (1) of the Fundamental Law, the organiser shall hand over to the National Election Office all signature gathering forms of a referendum initiative on a question on the same subject within fifteen days following the date of the decision by the National Assembly ordering with final and binding effect the referendum.

(2) In the case of a failure to comply with the obligation specified in paragraph (1), the National Election Commission shall impose a fine *ex officio* pursuant to the provisions of section 18 (2).

**Section 19/B** (1) If the circumstance specified in section 8 (3) exists, and the number of valid signatures on the signature gathering forms submitted first under section 19 (1) (hereinafter "primary submission") does not attain two hundred thousand, but is not less than one hundred thousand, and the conclusive decision establishing the findings of the verification of signatures became final and binding, the organiser shall, in the case of referendum initiatives on the same subject, hand over all signature gathering forms (hereinafter "secondary submission") to the National Election Office by the 85th day following the day of primary submission (hereinafter "submission time limit with suspensory effect").

(2) When making the secondary submission, the organiser shall state whether

*a*) he requests that the signature gathering be suspended,

*b*) he requests that the signatures submitted be verified under section 19 (1), or

*c*) he withdraws his referendum initiative.

(3) In the case of a failure to comply with the obligation to make a statement under paragraph (2), the referendum initiative shall be considered withdrawn.

(4) In the case of a failure to comply with the obligation specified in paragraph (1), the National Election Commission shall impose a fine *ex officio* pursuant to the provisions of section 18 (2).

(5) The time limit set out in section 14 (1) shall be suspended from the day following the submission time limit with suspensory effect until the decision, under section 25 (2), not ordering the referendum pursuant to the second sentence of Article 8 (1) of the Fundamental

Law and on the basis of information provided under section 23 (3) is passed by the National Assembly.

(6) In the case of suspension under paragraph (2) *a*),

*a*) the suspension shall terminate on the day on which the National Assembly passes its decision, under section 25 (2), not ordering the referendum pursuant to the second sentence of Article 8 (1) of the Fundamental Law and on the basis of information provided under section 23 (3), and the National Election Office shall hand over to the organiser the signature gathering forms containing the approved question in the requested quantity,

*b*) the time limit under section 19 (1) shall be suspended from the day of secondary submission until the day of handing over the signature gathering forms specified in point *a*), and

*c*) the suspended referendum initiative shall conclude once the National Assembly orders with final and binding effect the referendum pursuant to Article 8 (1) of the Fundamental Law.

**Section 19/C** (1) If a final and binding conclusive decision under section 22 (3) by the National Election Commission establishes that the number of valid signatures is at least two hundred thousand, in the case of referendum initiatives on the same subject, the time limits under section 14 (1) and section 19 (1) shall be suspended from the day following the day on which the conclusive decision by the National Election Commission becomes final and binding.

(2) In a situation under paragraph (1), the organiser shall be required to hand over to the National Election Office all signature gathering forms within 15 days following the day on which the conclusive decision establishing the findings of the verification of signatures becomes final and binding.

(3) When handing over the signature gathering forms, the organiser may declare that he withdraws his referendum initiative.

(4) In the case of a failure to comply with the obligation under paragraph (2), the National Election Commission shall impose a fine *ex officio* pursuant to the provisions of section 18 (2).

(5) In the case of suspension under paragraph (1),

*a*) the referendum initiative affected by the suspension shall conclude once the National Assembly orders with final and binding effect the referendum pursuant to Article 8 (1) of the Fundamental Law,

*b*) if the National Assembly's decision ordering the referendum does not become final and binding pursuant to section 33 of Act CLI of 2011 on the Constitutional Court, the suspension shall terminate on the day following the day of the publication of the decision by the Constitutional Court and the National Election Office shall hand over to the organiser the signature gathering forms containing the approved question in the requested quantity.

**Section 20** After the submission of the signature gathering form, the organiser shall not withdraw the referendum initiative.

**Section 21** (1) The National Election Office shall verify the signatures. Signatures on signature gathering forms submitted under section 19 (4), and signatures gathered in violation of the provisions set out in section 16, shall not be verified by the National Election Office.

(2) In the approval process of more than one question on the same subject, the signatures on the signature gathering forms that were submitted first shall be verified first.

(3) In verifying the signatures, it shall be checked whether the requirements referred to in section 15 are complied with, the citizens signing the initiative shall be identified, it shall be established whether they have the right of suffrage and the number of valid signatures shall be determined.

(4) For identifying the citizens signing the initiative and establishing whether they have the right of suffrage, the data indicated on the signature gathering forms shall be compared with information in the central electoral register.

(5) The detailed verification of signatures shall continue until one of the following can be ascertained:

a) the number of valid signatures attains two hundred thousand, or

b) the number of valid signatures remains under one hundred thousand, or

c) the number of valid signatures attains one hundred thousand but does not attain two hundred thousand.

(6) If a final and binding conclusive decision under section 22 (3) by the National Election Commission establishes that the number of valid signatures is at least two hundred thousand, or if the National Assembly ordered the referendum pursuant to the second sentence of Article 8 (1) of the Fundamental Law with final and binding effect, the signatures in a referendum initiative on the same subject need not be verified in detail.

(7) If a final and binding conclusive decision under section 22 (3) by the National Election Commission establishes that the number of valid signatures is at least two hundred thousand, but the decision by the National Assembly ordering the referendum does not become final and binding by virtue of section 33 of Act CLI of 2011 on the Constitutional Court, the signatures in a referendum initiative on the same subject shall be verified in detail after the publication of the Constitutional Court decision.

(8) When establishing the number of signatures, the number of voters supporting the submission for approval of the initiative shall also be taken into account.

(9) The National Election Office shall inform the National Election Commission about the findings of the verification of signatures.

**Section 22** (1) During the verification of signatures, a person representing the organiser may be present.

(2) The signatures shall be verified within sixty days after the date of submission of the signature gathering forms.

(3) The findings of the verification of signatures shall be established by the National Election Commission in a conclusive decision.

**Section 23** (1) If the number of valid signatures is at least two hundred thousand, the chair of the National Election Commission shall inform the Speaker of the National Assembly about the findings of the verification of signatures on the working day after the date on which the conclusive decision establishing the findings becomes final and binding.

(2) If the number of valid signatures does not attain two hundred thousand but is not less than one hundred thousand, and the circumstance specified in section 8 (3) does not exist, the chair of the National Election Commission shall inform the Speaker of the National Assembly about the findings of the verification of signatures on the working day after the date on which the conclusive decision establishing the findings becomes final and binding.

(3) If the number of valid signatures does not attain two hundred thousand but is not less than one hundred thousand, and the circumstance specified in section 8 (3) exists, the National Election Commission shall inform the Speaker of the National Assembly accordingly on the working day after the date on which the findings of the verification of signatures on the signature gathering forms containing a further question on the same subject that were submitted for verification under section 19/B (2) *b*) before the submission time limit with suspensory effect becomes final and binding. This information shall include both the final and binding findings of the verification of signatures on the signature gathering forms containing a further question on the same subject that were submitted for verification under section 19/B (2) *b*) before the submission time limit with suspensory effect and the order of submission.

**Section 23/A** (1) A fine imposed due to signature gathering forms shall become statute-barred after the expiry of the fifth year following its imposition at the latest, and it shall be considered an irrecoverable claim by virtue of law.

(2) If the amount of fine imposed with final and binding effect exceeds five hundred thousand forints, the person on whom the fine was imposed may, at any stage of the proceeding, request at the organ managing his debt the payment of the fine in equal monthly instalments for a period of no more than two years.

(3) When fulfilling an obligation set out in section 18 (2), section 19 (1), section 19 (3), section 19/A (1), section 19/B (1) or section 19/C (2), the organiser may hand over the signature gathering forms that do not contain signatures also within 15 days after the time limit specified in the relevant provision. The National Election Commission shall impose the fine for a failure to fulfil the obligation within 30 days after the expiry of the time limit specified in the relevant provision.

## 6. Protection of personal data

**Section 24** (1) The data of the voter and the citizen gathering signatures recorded in the signature gathering form shall not be public, copying them shall be forbidden, with the exception of copying for technical records kept for establishing the validity of signatures by the organ verifying signatures.

(2) The data of the voter and the citizen gathering signatures, and the technical records may be verified only by the National Election Commission, the National Election Office and the Curia.

(3)

(4) The National Election Office shall destroy the signature gathering form submitted and the technical records between the thirtieth and the forty-fifth day after the date on which the number of valid signatures was established.

(5) Personal data of the organiser and the voters supporting the initiative under section 4 shall be processed by the National Election Commission, the National Election Office and the Curia for verifying eligibility to the submission of the initiative and for communication; with the exception of the data published under section 7, these data shall be deleted

a) between the thirty-fifth and the fortieth day after the date referred to in section 8 (2) a) to f),  
or

b)

c) within five days after the date on which the resolution ordering the referendum becomes final and binding.

## 7. Ordering the referendum

**Section 25** (1) The Speaker of the National Assembly shall announce the initiative on the sitting day immediately following the receipt of information under section 14 (4) or section 23 (1) to (3). When calculating the time limit, the recess between sessions and the period of adjournment shall not be taken into account.

(2) The National Assembly shall decide on an initiative for a referendum within thirty days after the announcement under paragraph (1) and in the order of submissions if information under section 23 (3) was provided. When calculating the time limit, the recess between sessions and the period of adjournment shall not be taken into account.

(3) With regard to more than one question on the same subject, the National Assembly may order only a single referendum.

**Section 26** The President of the Republic and the Government may withdraw the referendum initiative submitted by them until the referendum is ordered.

**Section 27** (1) The resolution by the National Assembly ordering the referendum shall contain the referendum question and shall provide for the budget of the referendum. The question shall be put to referendum in the form in which it was worded in the initiative.

(2) The resolution ordering the referendum shall be published in the official gazette *Magyar Közlöny*. The Speaker of the National Assembly shall inform the President of the Republic about ordering the referendum.

## 8. Legal remedies

**Section 28** (1) The time limit for submitting and assessing applications for legal remedy relating to signature gathering and the verification of signatures shall be five days. If the last day of the time limit falls on a day other than a working day, the time limit shall expire on the next working day.

(2) The National Election Commission shall be responsible for assessing objections relating to signature gathering.

**Section 29** (1) A review application against a decision by the National Election Commission concerning the approval of the question shall be addressed to the Curia and submitted to the National Election Commission in a manner that it is received by it within fifteen days from the publication of the conclusive decision. If the last day of the time limit falls on a day other than a working day, the time limit shall expire on the next working day.

(2) The National Election Commission shall send the review application to the Curia within five days after receipt.

**Section 30** (1) The Curia shall adjudicate the review application within ninety days. The Curia shall either uphold or amend the conclusive decision by the National Election Commission. No further legal remedy shall lie against the decision by the Curia.

(2) The Curia shall adjudicate a review application submitted against a conclusive decision by the National Election Commission rejecting the initiative within thirty days. The Curia shall either uphold the conclusive decision by the National Election Commission rejecting the initiative or instruct the National Election Commission to conduct a new proceeding. No further legal remedy shall lie against the decision by the Curia. If the Curia instructs the National Election Commission to conduct a new proceeding, the National Election Commission shall take a decision as to approve or refuse to approve the question within thirty days from the date on which the Curia took its decision.

(3) The decision by the Curia shall be published in the official gazette *Magyar Közlöny* within eight days and on the website of the Curia on the day on which it is taken.

(4) Notwithstanding paragraph (3), if the Curia upholds a conclusive decision by the National Election Commission refusing to approve the question, including a conclusive decision rejecting the initiative, it shall publish a notice in the official gazette *Magyar Közlöny* within eight days which contains

a) the number of the decision by the Curia,

b) the number of the conclusive decision by the National Election Commission and the fact that it has been upheld, and

c) information about the fact that the decision by the Curia can be accessed on the website of the Curia.

(5) A constitutional complaint against a decision by the Curia referred to in paragraph (1) shall not be submitted later than within eight days following the publication of the decision by the Curia in the official gazette *Magyar Közlöny*. The Constitutional Court shall decide on the constitutional complaint within thirty days.

## **9. The binding force of the referendum**

**Section 31** (1) If the referendum creates an obligation to legislate, the National Assembly shall be required to adopt an Act in compliance with the outcome of the valid and conclusive referendum within a period of one hundred and eighty days from referendum day.

(2) The outcome of the referendum shall be binding on the National Assembly for a period of three years from referendum day or, for a referendum creating an obligation to legislate, from the promulgation of the resulting Act was promulgated.

### *Chapter III*

#### *INITIATING A LOCAL REFERENDUM*

#### **10. The subject-matter of a local referendum**

**Section 32** (1) The representative body of a local government may order a local referendum in subject-matters falling within the competence of that representative body.

(2) No local referendum may be held on

*a)* the budget and the closing accounts,

*b)* local taxes,

*c)* personal and organisational matters falling within the competence of the representative body,

*d)* declaring the representative body dissolved.

**Section 33** The representative body shall be required to order a local referendum in any matter on which an Act or a local government decree prescribes holding a local referendum.

**Section 34** (1) The following may initiate a local referendum:

*a)* at least one quarter of the members of the representative body,

*b)* a committee of the representative body,

*c)* a number of voters specified in a local government decree; this number shall be not less than ten per cent, but not be more than twenty-five per cent of the voters.

(2) The representative body shall be required to order a local referendum if that referendum was initiated by a number of voters specified in the relevant local government decree.

(3) The number of voters required for an initiative shall be determined on the basis of the data in the central electoral register valid on the day when the signature gathering form is affixed with the certification clause.

#### **11. The organiser of a voters' initiative**

**Section 35** (1) A voters' initiative for a local referendum may be organised by the following:

*a)* a private person who has the right to vote at the election of local government representatives and mayors,

*b)* a political party,

*c)* another association on matters relating to any objective set out in its instrument of incorporation.

(2) An initiative may have multiple organisers. In such a case, the organisers shall designate a person for communication with election bodies.

## 12. Submission of the question proposed for a local referendum

**Section 36** (1) Before commencing signature gathering, the organiser shall submit to the local election commission the proposed local referendum question for approval on the specimen signature gathering form.

(2) A signature gathering form shall contain a single question.

(3) When submitting the question, the private person organiser shall provide the local election commission with his name, address and personal identifier. The local election office shall verify in the central electoral register whether the organiser has the right of suffrage.

(4) Another association shall attach also its instrument of incorporation when submitting a question. The local election office shall verify the existence of the political parties and other associations and the authenticity of their data in the court register of non-governmental organisations.

(5) Members and the committee of the representative body shall submit the question proposed for a local referendum initiated by them to the local election commission for approval.

(6) The question shall be submitted in person or by mail.

(7) The date of submission shall be the date on which the question is filed by the local election office.

**Section 37** On the working day after the day of the submission of the question, the local election office shall publish the question submitted, the date of its submission and the name of the organiser.

**Section 38** (1) After the submission of the question, no other question on the same subject shall be submitted

*a)* within sixteen days following a decision rejecting the question under section 40 (1) by the head of the local election office if it has not been submitted again,

*b)* until the decision refusing to approve the question becomes final and binding,

*c)* until the local referendum initiative is withdrawn,

*d)* until the time limit for the submission of signature gathering forms expires without result,

*e)* until the conclusive decision refusing to order the local referendum becomes final and binding,

*f)* until the local referendum is held, or

*g)* until the expiry of the period under section 60 (2).

(2) In a situation under paragraph (1) *a)* to *e)*, within thirty days from the date specified therein, the same organiser or the same initiator within the meaning of section 34 (1) *a)* and *b)* shall not submit another question on the same subject.

(3) Two questions shall be considered to be on the same subject if they would impose obligations on the representative body that are, even if only in part, identical or mutually exclusive.

**Section 39** (1) The proposed local referendum question shall be worded in a manner that allows for a straightforward answer, and that on the basis of the local referendum results, the representative body can decide whether it has an obligation to adopt a decision and if so, what type of decision.

(2) The proposed local referendum question shall not contain any expression that is indecent or causes outrage in any other way.

### 13. Approving the question

**Section 40** (1) Where an initiative is clearly contrary to the constitutional purpose and function of the legal institution of the local referendum, or where it does not meet the conditions set out in section 35, section 36 and section 38 (1) and (2), and if the signature gathering form does not comply with the legal requirements, the head of the local election office shall reject, in a conclusive decision, the question within five days after submission, and shall not put it forward to the local election commission. Section 46, section 47, section 48 (3) and section 50 of the Election Procedure Act shall apply to the content and communication of a conclusive decision rejecting a question.

(2) No legal remedy shall lie against the conclusive decision of the head of the local election office; the organiser, however, may submit the question again. Approval of a question submitted again shall be put on the agenda of the local election commission.

(3) If the organiser submits the question again within fifteen days after the communication of the conclusive decision by the head of the local election office rejecting the question, for the purposes of section 38, the date of the first submission shall be considered to be the date of the submission of the question.

**Section 41** (1) The local election commission shall decide whether to approve or refuse to approve the question within thirty days after submission. The local election commission shall approve the question if it meets the conditions set for the question in this Act.

(2) The question submitted by the organiser may only be approved if the signature gathering form also complies with the legislative provisions.

**Section 42** The local election commission shall publish its conclusive decision concerning the approval of the question in the official gazette of the local government or in accordance with established local practice within eight days.

**Section 43** (1) Within five days after the expiry without result of the time limit for legal remedy against a decision approving a question, or if legal remedy is sought, after the expiry without result of the time limit available for submitting a constitutional complaint against the decision by the regional court or the publication in the official gazette *Alkotmánybíróság Határozatai* of the decision by the Constitutional Court rejecting or dismissing the constitutional complaint, the head of the local election office shall affix a certification clause to the specimen signature gathering form and hand it over to the organiser.

(2) Within five days after the expiry without result of the time limit for legal remedy against the decision approving the question, or if legal remedy is sought, after the expiry without result of the time limit available for submitting a constitutional complaint against the decision by the regional court or the publication in the official gazette *Alkotmánybíróság Határozatai* of the decision by the Constitutional Court rejecting or dismissing the constitutional complaint, the chair of the local election commission shall inform the mayor of the approval of the question submitted by the members or a committee of the representative body.

#### 14. Signature gathering

**Section 44** (1) Support for a voters' initiative for a local referendum may be expressed on a copy of the specimen signature gathering form affixed with a certification clause. A signature of support shall not be withdrawn.

(2) In addition to the voter's signature in his own hand, the family and given name, personal identifier and mother's name of the voter shall also be legibly recorded on the signature gathering form, for verifying the authenticity of the signature. The data of the voter shall be indicated on the same page as the question.

(3) The persons gathering signatures shall indicate on the signature gathering forms their name and personal identifier, and shall sign the signature gathering forms.

(4) A voter may support an initiative by a single signature; his further signatures shall be invalid.

(5) A voter shall be eligible to support an initiative if he has domicile or, if he established a place of residence by the thirtieth day before the certification of the signature gathering form at the latest, a registered place of residence in the settlement concerned.

**Section 45** (1) Signatures may be gathered without disturbing voters anywhere except as provided in paragraph (2).

(2) Signatures shall not be gathered

*a)* at the workplace of the person gathering signatures and the signing person during working hours, or while one or the other is fulfilling his obligations to perform work arising from employment or other employment-related relationship,

*b)* from persons employed under a service relationship at the Hungarian Defence Forces or a central state administration organ at their service post or while they are performing their duty,

*c)* on means of public transport,

*d)* in the official premises of state and local government organs and the organs of national minority self-governments,

*e)* in the premises of healthcare providers,

*f)* in higher education and public upbringing institutions,

*g)* on private properties open to the public without the written consent of the owner given in advance.

(3) It shall be forbidden to grant or promise advantages to signing voters in return for their signature. Signing voters shall be forbidden to ask for or accept advantage or a promise thereof in return for their signature.

**Section 46** Signatures gathered in a manner that is not in compliance with section 44, or in breach of the provisions set out in section 45, shall be invalid.

## 15. Verification of signatures

**Section 47** (1) Within thirty days after the specimen signature gathering form is affixed with a certification clause, the organiser may submit the signature gathering forms of the citizens' initiative for a local referendum to the local election office on a single occasion for the verification of signatures.

(2) Signatures on signature gathering forms that are submitted late or as a supplement or by a person other than the organiser shall be invalid.

**Section 48** After the submission of the signature gathering form, the organiser shall not withdraw the initiative.

**Section 49** (1) The local election office shall verify the signatures. Signatures on signature gathering forms submitted under section 47 (2), and signatures gathered in violation of the provisions set out in section 45, shall not be verified by the local election office.

(2) In verifying the signatures, it shall be checked whether the requirements referred to in section 44 are complied with, the citizens signing the initiative shall be identified, it shall be established whether they have the right of suffrage and the number of valid signatures shall be determined

(3) For identifying the citizens signing the initiative and establishing whether they have the right of suffrage, the data indicated on the signature gathering forms shall be compared with information in the central electoral register.

(4) The detailed verification of signatures shall continue until it can be ascertained whether the number of valid signatures reaches or stays below the number of voters required for initiating a local referendum.

(5) During the verification of signatures, a person representing the organiser may be present.

(6) The signatures shall be verified within forty-five days after the date of submission of the signature gathering forms.

(7) The local election office shall inform the local election commission of the findings of the verification of the signatures. The findings of the verification of the signatures shall be established by the local election commission in a conclusive decision.

**Section 50** If the number of valid signatures reaches the number required for initiating a local referendum, the chair of the local election commission shall inform the mayor about the findings of the verification of signatures within eight days after the date on which the conclusive decision establishing the findings becomes final and binding.

## 16. Protection of personal data

**Section 51** (1) The data of the voter and the citizen gathering signatures recorded in the signature gathering form shall not be public, copying them shall be forbidden, with the exception of copying for technical records kept for establishing the validity of signatures by the organ verifying signatures.

(2) The data of the voter and the citizen gathering signatures, and the technical records may be verified only by the election bodies and the regional court.

(3) The organisers shall within three days after the expiry of the time limit for submission destroy the signature gathering forms not submitted, and shall draw up minutes of doing so. The minutes shall be handed over to the local election office within three days.

(4) The local election office shall destroy the signature gathering forms submitted and the technical records between the thirtieth and the forty-fifth day after the date on which the number of valid signatures was established.

(5) Personal data of the organiser shall be processed by the election bodies and the regional court for verifying eligibility to the submission of the initiative and for communication; with the exception of the data published under section 37, these data shall be deleted

*a)* between the thirty-fifth and the fortieth day after the date referred to in section 38 (1) *a)* to *e)*, or

*b)* within five days after the adjudication of respective application if legal remedy is sought relating to the prohibition under section 38 (2), or

*c)* within five days after the date on which the resolution ordering the referendum becomes final and binding.

## **17. Ordering the local referendum**

**Section 52** The mayor shall announce the initiative meeting the legal requirements at the sitting of the representative body immediately following the receipt of information under section 43 (2) or section 50.

**Section 53** The representative body shall decide on ordering a local referendum within thirty days after the announcement under section 52.

**Section 54** The committee or the members of the representative body may withdraw a local referendum initiative submitted by them until the local referendum is ordered.

**Section 55** (1) The resolution by the representative body ordering the local referendum shall contain the local referendum question and shall provide for the budget of the local referendum. The question shall be put to local referendum in the form in which it was worded in the initiative.

(2) The resolution ordering the local referendum shall be published in the official gazette of the local government or in accordance with established local practice. The mayor shall inform the chair of the local election commission about ordering the local referendum.

## **18. Legal remedies**

**Section 56** (1) The time limit for submitting and assessing applications for legal remedy relating to signature gathering and the verification of signatures shall be five days. If the last day of the time limit falls on a day other than a working day, the time limit shall expire on the next working day.

(2) The local election commission shall be responsible for assessing objections relating to signature gathering. An appeal challenging a conclusive decision by the local election commission shall be assessed by the regional election commission.

**Section 57** (1) A review application against a decision by the local election commission concerning the approval of the question shall be addressed to the regional court and submitted to the local election commission in a manner that it is received by it within fifteen days from the publication of the conclusive decision. If the last day of the time limit falls on a day other than a working day, the time limit shall expire on the next working day.

(2) The local election commission shall send the review application to the regional court within five days after receipt. If a review application is submitted directly to the regional court, the regional court shall inform the local election commission accordingly without delay.

(3) The regional court shall adjudicate the review application within thirty days. The regional court shall either uphold or amend the conclusive decision by the local election commission; no further legal remedy shall lie against that decision.

(4) The regional court shall send its decision without delay to the local election office that shall publish it, indicating the date of publication, on its website not later than on the working day following receipt. A constitutional complaint against the decision of the regional court shall be submitted not later than within eight days following the publication of the decision of the regional court on the website of the local election office. The Constitutional Court shall decide on the constitutional complaint within thirty days.

**Section 58** (1) A review application against a resolution by the representative body ordering a local referendum or rejecting to order a local referendum the ordering of which is mandatory shall be addressed to the regional court and submitted to the local election commission in a manner that it is received by it within fifteen days from the publication of the resolution.

(2) The local election commission shall send the review application to the regional court within five days after receipt. The chair of the local election commission shall inform the mayor about the submission of a review application without delay.

(3) In the proceeding under paragraph (1) the regional court shall examine the resolution as to its merits only if between the certification of the signature gathering form and the ordering of the local referendum there was an essential change in the circumstances that could not be taken into account by the local election commission when deciding on the approval of the question or on a review application against the approval of the question or, in a proceeding under section 57, by the regional court and that may substantially influence the decision concerned. The regional court shall not examine as to its merits a review application in which the applicant refers to constitutional concerns relating to the substance of the question or to approval.

(4) The regional court shall adjudicate the review application within thirty days. The regional court shall either uphold the resolution by the representative body, or annul it and instruct the representative body to adopt a new resolution.

## 19. The binding force of the local referendum

**Section 59** A local referendum shall be valid if more than half of the voters have cast a valid vote, and it shall be conclusive if more than half of those voting validly have given the same answer to the question asked.

**Section 60** (1) If the local referendum creates an obligation to adopt a decision, the representative body shall be required to adopt a decree or a conclusive decision in compliance with the outcome of the valid and conclusive local referendum within a period of one hundred and eighty days from local referendum day.

(2) The outcome of a valid and conclusive local referendum shall be binding on the representative body for a period of one year from local referendum day or, for a local referendum creating an obligation to adopt a decree, from the promulgation of the resulting decree.

## 20. Regional-level local referendum

**61** (1) The provisions of this Chapter shall apply accordingly to county-level or capital-level local referendums.

(2) From the powers established in this Chapter, those established for the local election commission shall be exercised by the regional election commission, those established for the regional election commission shall be exercised by the National Election Commission, and those established for the local election office and its head shall be exercised by the regional election office and its head.

(3) The power established in this Chapter for regional courts shall be exercised by the Curia.

### *Chapter IV*

#### *EUROPEAN CITIZENS' INITIATIVE*

**Section 62** The provisions of section 16 (1) and (3) and section 28 shall apply to a European citizens' initiative.

**Section 63** The National Election Office shall be responsible for verifying statements of support and certifying the number of valid statements of support. The findings of the verification of statements of support shall be established by the National Election Commission in a conclusive decision.

**Section 64** (1) In verifying the signatures, it shall be checked whether the form of the statement of support is acceptable, the citizens signing the statement of support shall be identified, it shall be verified whether they are adult Hungarian nationals, and the number of valid statements of support shall be established.

(2) The identification of the citizens signing the statement of support shall be carried out by comparing the data indicated on the signature gathering form with information in the personal data and address register and, if required, in the register of travel documents or the register of official identity verification cards.

(3) During the verification of signatures, a person representing the organisers may be present.

## Chapter V

### NATIONAL REFERENDUM PROCEDURE

**Section 65** (1) Subject to the derogating provisions specified in this Chapter, the provisions of section 244 (2), section 245 (1) *a), c), d) and e)* and paragraphs (2) to (5), section 247 (1) and (3), section 250, section 251, section 256 (2), section 257 (3), section 257/A, section 257/B, section 258 (1), sections 259 to 263, sections 266 to 270, section 271 (2), sections 272 to 274, section 275, sections 277 to 281, sections 283 to 285, sections 288 to 291, section 293, section 295, section 297 (1) and (3), section 298 and section 341/A of the Election Procedure Act shall apply to national referendum proceedings.

(2) Section 68 and section 70 (1) and (2) shall not apply to a national referendum proceeding where the national referendum is held on the same day as the general election of the Members of the National Assembly (hereinafter "joint proceeding") and was initiated by the President of the Republic or the Government.

(3) The provisions of section 76 and section 77 (2) *b)* shall not apply to joint proceedings.

(4) The provisions of sections 282, 286, 287 and 292 of the Election Procedure Act shall apply also to joint proceedings.

**Section 66** For voting and establishing the result and for a legal remedy, each referendum question shall be considered separately.

**Section 66/A** In the referendum proceeding of a referendum initiated by the President of the Republic or the Government, the President of the Republic or the Government, respectively, shall be entitled to the rights granted to organisers under this Chapter.

#### 21. Setting a national referendum date

**Section 67** (1) The President of the Republic shall set the referendum date within 15 days after the expiry without result of the time limit for legal remedy against the parliamentary resolution ordering the referendum or, if legal remedy is sought, after the adjudication of the respective application.

(2) The referendum date may be set also if

*a)* a referendum date was previously set by the President of the Republic on another question,

*b)* there are at least fifty days left until the referendum date, and

*c)* holding the referendum on the new question on the same date does not jeopardise the legality of conducting the voting.

(3)

(4) A resolution ordering, and a decision setting the date for, the referendum shall be published in the official gazette *Magyar Közlöny*.

#### 22. Election bodies

**Section 68** (1) Organisations organising the initiative that do not have a parliamentary group may delegate a single joint member to the National Election Commission.

(2) The organisers of the initiative may delegate a single joint member and political parties with a parliamentary group that are not involved in the organisation of the initiative may delegate one member each to the parliamentary single-member constituency election commission.

(3) The organisers of the initiative may delegate two joint members and political parties with a parliamentary group that are not involved in the organisation of the initiative may delegate two members each to the polling station commission and, in a settlement with a single polling district, to the local election commission.

(4) The organisers of the initiative and the political parties with a parliamentary group that are not involved in the organisation of the initiative may delegate observers to foreign missions in accordance with section 5 of the Election Procedure Act.

(5) The organisers of the initiative and the political parties with a parliamentary group that are not involved in the organisation of the initiative shall have the right to delegate an observer within the meaning of section 245 (2) of the Election Procedure Act.

### **23. Referendum campaign**

**Section 69** (1) During a national referendum campaign period, political advertisements may be published only by the organisers of the initiative and by political parties with a parliamentary group that are not involved in the organisation of the initiative.

(2) Within five working days after the national referendum date is set, the National Election Commission shall determine in what length a public media service provider is obliged to broadcast, as part of linear media services, political advertisements of those eligible under paragraph (1). The period for broadcasting political advertisements shall be three hundred minutes per referendum, which shall be distributed equally among those eligible. For more than one referendum initiated by the same initiator or, for a voters' initiative, the same organiser that is set for the same day, the total period for broadcasting political advertisement shall be three hundred minutes.

(3) The public media service provider shall broadcast political advertisements in equal shares as part of its linear audio-visual and radio media services that have the highest annual average audience share.

(4) The public media service provider shall be obliged to provide for the uninterrupted broadcasting of political advertisements three times daily, in time slots starting between 6.00 and 8.00, 12.00 and 14.00, and 18.00 and 20.00. The political advertisements of those eligible under paragraph (1) shall be broadcast successively. The order in which the political advertisements appear shall be changed daily to ensure equal opportunities.

(5) The public media service provider shall be obliged to broadcast the political advertisement on the day and in the time slot specified by those eligible under paragraph (1). Those eligible under paragraph (1) may request that political advertisement be broadcast in a certain time slot once a day and for not longer than thirty seconds.

(6) The media service provider shall be obliged to broadcast the political advertisement if those eligible under paragraph (1) hand over the political advertisement created by them not later than on the third day before broadcasting.

## **24. Data provision from the electoral register**

**Section 70** (1) The data provision under section 153 of the Election Procedure Act may be requested by an organiser of the initiative or a political party with a parliamentary group that is not involved in the organisation of the initiative.

(2) The National Election Office shall provide the data not earlier than on the fiftieth day or, in a joint proceeding, the thirty-sixth day before referendum day.

(3) Private person organisers shall be required to pay a fee equal to 25 per cent of the data provision fee specified section 154 (1) of the Election Procedure Act.

(4) In a joint proceeding, a political party with a parliamentary group that requested data provision as a nominating organisation drawing up a national list may use the data thus received for the purpose of referendum campaigning in accordance with section 155 (1) of the Election Procedure Act.

## **25. Content of the ballot paper**

**Section 71** (1) A ballot paper shall include not more than one question, unless the referendums have the same initiator or, in the case of a voters' initiative, the same organiser.

(2) The ballot paper for a national referendum shall contain

- a) the word "szavazólap" ("ballot paper"),
- b) a space marked for stamping in the top left corner of the ballot paper,
- c) a reference to the national referendum,
- d) the national referendum day,
- e) an indication that the vote will be valid only if it is cast for one answer for each question,
- f) the national referendum question; if there is more than one question, the questions shall follow in the order in which they were ordered, and the serial number of the questions shall be indicated,
- g) a for and an against answer for each question,
- h) circles to mark the vote for each question,
- i) information on the form-related requirements for a valid vote.

(3) The data content of the ballot paper shall be approved by the National Election Commission on the forty-fifth day before voting day at the latest.

## **26. Postal voting package**

**Section 72** Postal ballot papers shall be valid without a stamp.

### **27. Forwarding votes**

**Section 73** Unsealed envelopes found in a ballot box received from a foreign mission shall be considered votes not cast and shall be packed separately.

### **28. Voting process**

**Section 74** In the application of the provisions of section 186 of the Election Procedure Act, candidate shall be construed as reference to answer.

### **29. Vote counting**

**Section 75** (1) In the application of the provisions of section 193, section 195 and section 197 of the Election Procedure Act, candidate shall be construed as reference to answer.

(2) If a ballot paper contains more than one question then

*a)* the provisions of section 193 (1) *b)* and *c)* of the Election Procedure Act shall not apply,

*b)* the validity of votes shall be verified for each question; a vote shall be invalid if for the question concerned the ballot paper contains no valid vote or the voter cast his vote for both answers.

**Section 76** The votes cast at a foreign mission shall be counted by the National Election Office under the supervision of the National Election Commission. The counting shall not start before 19.00 on voting day.

**Section 76/A** Unsealed envelopes found in a ballot box received from a foreign mission shall be considered votes not cast and shall be packed separately.

### **30. Establishing the election result**

**Section 77** (1) The local election office shall transmit a copy of the polling district minutes on the result of the voting to the National Election Office.

(2) The National Election Commission shall, on the basis of

*a)* the polling district minutes,

*b)* the minutes establishing the result of voting at foreign mission, and

*c)* the minutes establishing the result of the count of postal votes

establish the result of the election.

**Section 78** When establishing the result of the referendum, the examination of whether the validity requirement set out in Article 8 (4) of the Fundamental Law is met shall be based on the number of voters entitled to participate in the referendum as recorded in the central electoral register on voting day.

### **31. Legal remedy**

**Section 79** (1) The time limit for submitting and assessing applications for legal remedy shall be five days in a national referendum proceeding and three days in a joint proceeding. Except for joint proceedings, if the last day of the time limit falls on a day other than a working day, the time limit shall expire on the next working day.

(2) The parliamentary single-member constituency election commission shall decide on every objection relating to a violation of law that applies only to the territory of the single-member constituency.

(3) The National Election Commission shall decide on objections not covered by paragraph (2).

(4) The National Election Commission shall assess objections relating to the participation in election campaigns of media content providers, the press and movie theatres. The parliamentary single-member constituency election commission of the seat or domicile of the media service provider shall assess objections relating to a district, local or on-demand media service or a press product that is distributed in an area smaller than the whole country. This provision shall apply also to joint proceedings.

(5) In the application of section 233 of the Election Procedure Act, the time limit for the submission of a constitutional complaint and for the Constitutional Court to take a decision shall be five working days; for joint proceedings, the time limit for the submission of a constitutional complaint shall be three days and the time limit for the Constitutional Court to take a decision shall be three working days.

(6) Legal remedy against a decision establishing the partial results referred to in section 77 (2) *b*) and *c*) shall be available only in the context of a court review application challenging the decision by the National Election Commission establishing the result of a referendum.

## *Chapter VI*

### *LOCAL REFERENDUM PROCEDURE*

**Section 80** (1) Subject to the derogating provisions laid down in this Chapter, the provisions of section 307/A and section 307/B of the Election Procedure Act shall apply also to local referendum proceedings.

(2) A voter shall be eligible to participate in a local referendum if he has domicile or, if he established a place of residence by the thirtieth day before the referendum date is set at the latest, a registered place of residence in the settlement concerned or, for a local referendum on the transfer of a populated area, in the populated area concerned.

(3) For voting and establishing the result and for a legal remedy, each local referendum question shall be considered separately.

### **32. Setting a local referendum date**

**Section 81** (1) The local election commission shall set the local referendum date within 15 days after the expiry without result of the time limit for legal remedy against the representative body resolution ordering the local referendum or, if legal remedy is sought, after the adjudication of the respective application.

(2) The local referendum date shall be set so that the voting day falls between the seventieth and the fiftieth day after the day when the date is set.

(3) The calendar dates for the time limits for a local referendum proceeding shall be determined by the local election commission in its conclusive decision setting the local referendum date.

(4) A conclusive decision setting the date for the local referendum shall be published in the official gazette of the local government or in accordance with established local practice.

### **33. Costs of a local referendum proceeding**

**Section 82** The costs for implementing the tasks regarding the preparation and conduct of a local referendum as well as other costs relating to the activities of election bodies shall be financed from the local government's budget.

### **34. Election bodies**

**Section 83** (1) The following election commissions shall operate at a local referendum:

*a)* polling station commissions,

*b)* local election commissions,

*c)* regional election commissions,

*d)* for matters relating to the capital or counties also the National Election Commission.

(2) To the local election commission and, for matters relating to the capital or counties, to the regional election commission, the organisers of the initiative may jointly delegate a member per election commission, and organisations with a group of representatives in the representative body that are not involved in the organisation of the initiative may delegate one member each.

(3) The organisers of the initiative may jointly delegate two members, and organisations with a group of representatives in the representative body that are not involved in the organisation of the initiative may delegate two members each to the polling station commission and, in a settlement with a single polling district, to the local election commission.

### **35. Informing voters**

**Section 84** (1) The National Election Office shall notify voters who are on the thirtieth day before voting day at the latest recorded in the polling district electoral register of their registration in the polling district electoral register by sending them a poll card.

(2) The poll cards shall be sent by the twentieth day before voting day.

### **36. Content of the ballot paper**

**Section 85** (1) A ballot paper shall include a single question.

(2) The ballot paper for a local referendum shall contain

*a)* the word "szavazólap" ("ballot paper"),

- b) a space marked for stamping in the top left corner of the ballot paper,
- c) a reference to the national referendum,
- d) the local referendum day,
- e) the specification of the settlement, county or the capital.
- f) an indication that the vote will be valid only if it is cast for one answer,
- g) the local referendum question,
- h) a for and an against answer,
- i) a circle to mark the vote,
- j) information on the form-related requirements for a valid vote.

(3) The data content of the ballot paper shall be approved by the local election commission on the thirtieth day before voting day at the latest.

### **37. Voting process**

**Section 86** In the application of the provisions of section 186 of the Election Procedure Act, candidate shall be construed as reference to answer.

### **38. Vote counting**

**Section 87** In the application of the provisions of section 193, section 195 and section 197 of the Election Procedure Act, candidate shall be construed as reference to answer.

### **39. Establishing the result**

**Section 88** The local election commission shall establish the result of the local referendum on the basis of minutes of the polling station commissions.

### **40. Legal remedy**

**Section 89** (1) The time limit for submitting and assessing applications for legal remedy shall be five days in a local referendum proceeding. If the last day of the time limit falls on a day other than a working day, the time limit shall expire on the next working day.

(2) The local election commission shall decide on objections relating to the local referendum. The regional election commission shall decide on appeals challenging a decision by the local election commission.

### **41. Regional-level local referendum procedure**

**Section 90** (1) The provisions of this Chapter shall apply to county-level and capital-level local referendums.

(2) From the powers established in this Chapter, those established for the local election commission shall be exercised by the regional election commission, those established for the

regional election commission shall be exercised by the National Election Commission, and those established for the local election office and its head shall be exercised by the regional election office and its head.

(3)

## *Chapter VII*

### *FINAL PROVISIONS*

#### **42. Authorising provisions**

**Section 91** Authorisation shall be given to the Minister responsible for regulating elections and referendums to determine in a decree

- a) the detailed rules for the performance of tasks falling within the competence of election offices,
- b) the forms to be used for initiating national and local referendums and in national and local referendum proceedings,
- c) the calendar dates for the time limits for national referendum proceedings,
- d) the scope of data in national referendum result summaries,
- e) allocations, items and accounting and internal audit procedures for national and local referendum procedural costs,
- f) the amount of honorarium for election commission members, with the exception of the National Election Commission, and of remuneration for election office members in a national referendum proceeding,
- g) documents accepted as proof of the capacity of a person to act as the representative of a media content provider,
- h) detailed rules for the payment of fines,
- i) the settlements and foreign missions where voters with no address in Hungary may collect the postal voting package in person if they request to do so,
- j) the detailed rules for carrying out the IT tasks relating to referendums of capital and county government offices,
- k) the range, and the rules for reimbursement, of justified and certified expenses relating to the operation of the National Election Commission incurred by the elected members of the National Election Commission.

**Section 92** Authorisation shall be given to local government representative bodies to determine in a decree the number of voters required for initiating a local referendum.

#### **43. Provisions on entry into force**

**Section 93** (1) With the exception specified in paragraph (2), this Act shall enter into force on the day of setting the date for the 2014 general election of Members of the National Assembly.

(2) Chapter VI shall enter into force on 1 October 2014.

(3) The fulfilment of the condition under paragraph (1) shall be established in a decision published by the Minister responsible for regulating suffrage and referendums.

#### **44. Transitional provisions**

**Section 94** (1) The provisions of this Act as introduced by Act XLVIII of 2016 amending Act CCXXXVIII of 2013 on initiating referendums, the European Citizens' Initiative and referendum procedure (hereinafter the "Amending Act") shall not apply with respect to the submission of a referendum initiative that covers the same matters as a pending question that was already approved with final and binding effect at the time of entry into force of the Amending Act.

#### **45. Compliance with the requirement regarding cardinality in the Fundamental Law**

**Section 95** The following provisions of this Act qualify as cardinal:

*a)* section 69 on the basis of Article IX (3) of the Fundamental Law,

*b)* section 30 (5), section 57 (4), section 79 (5), section 98 and section 101 (3) on the basis of 24 (9) of the Fundamental Law,

*c)* section 99 on the basis of Article XXIX (3) of the Fundamental Law,

*d)* section 102 *f)* on the basis of Article 2 (1) and Article 35 (1) of the Fundamental Law.

#### **46. Reference to EU requirements concerning legislation**

**Section 96** Chapter IV contains provisions for the implementation of Article 20 of Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative.

#### **47. Amending provisions**

**Section 97**

**Section 98**

**Section 99**

**Section 100**

**Section 101**

#### **48. Repealing provisions**

**Section 102**