

Act CXIII of 2003 on the election of members of the European Parliament

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The accession of Hungary requires that the Hungarian Parliament elaborate the rules of filling the positions reserved to the representatives of Hungary in the European Parliament. Such rules ensure the electoral rights at the elections for MPs to the European Parliament to the citizens of other EU member states that have a domicile in Hungary. For this reason, the Hungarian Parliament issues the following law:

Section 1

Presentlaw shall apply for filling the seats reserved in the European Parliament for the representatives of Hungary.

Chapter I

ELECTION

Section 2

- (1) Elections shall take place in a proportional election system by voting on lists.
- (2) With regards to the elections, the territory of Hungary forms one constituency.

Section 2/A

- (1) With regards to the election of members of the European Parliament the right to vote and to stand for election shall be granted to those having a domicile in Hungary.
- (2) With regards to the election of members of the European Parliament no one may stand for election, who is being incarcerated based on final judgement or who is receiving forced medical treatment in an institution based on a decision issued during a criminal procedure.

Electoral rights

Section 3

- (1) Exercising the electoral rights is based on the voter's free will.
- (2) The voter shall exercise their electoral rights in one single member state of the European Union.

Section 4

In Hungary, at the election of the MPs of the European Parliament the following may exercise their electoral rights:

- a)* every Hungarian voter, if they have not announced in another member state that they wish to exercise their electoral rights in the respective state, and
- b)* every voter of the other EU member states, if they give a statement with regards their desire to exercise their electoral rights in Hungary, and they prove that they have a Hungarian domicile.

Nomination as a candidate

Section 5

(1) Only the parties registered in conformity with the law regarding the operation and administration of parties may nominate lists. Two or more parties may also put up a common list. One party may only put up one – individual or common – list. The candidates shall appear on the list in the order announced by the party (parties).

(2) The recommendation of 20,000 voters, authenticated by their signature, is required in order to register a list of candidates.

Section 6

The voter may appear as a candidate on one list only.

Voting

Section 7

The voter shall cast their vote for one list only.

Section 8

(1) The number of mandates that can be acquired is identical to the number of seats reserved in the European Parliament for the representatives of Hungary.

(2) Only those parties can participate in assigning the mandates that received more votes than 5% of the total valid votes cast on all lists.

(3) In order to assign the mandates a table shall be drafted, in which a column of numbers shall be created under the name of each list entitled according to paragraph (2) to acquire mandates. The first number of the column of numbers is the number of votes for the given list, the second number is half of the number of votes for the given list, the next number is one third, one fourth, one fifth, etc. In the column of numbers of each list there may only be as many numbers, as the number of candidates on that list.

(4) The highest number shall be identified in the table; the list in the column of numbers of which this number is shall receive one mandate. Then the second highest number shall be identified; the list in the column of numbers of which this number is shall receive one mandate. This procedure is continued until all the mandates are allocated.

(5) If in the column of numbers of two or more lists the next number in order is identical, and with this number they would acquire a mandate, but the number of mandates that can be assigned is less than the number of the given lists, the mandates shall be assigned according to the serial number of the lists.

Section 9

The candidates from the list shall be allocated the mandates in the order initially announced by the party.

Filling the vacant mandate

Section 10

(1) In case the assignment of the MP who acquired a mandate ends, the mandate shall be acquired by the candidate nominated by the party from the candidates on the list, in lack of party nomination, the mandate shall be acquired by the next candidate on the list.

(2) If there are no more candidates on the list, the mandate shall be allocated to the list that in continuation of the procedure described in paragraphs (4) and (5) of Section 8 would have acquired the next mandate. From the list the candidate described in paragraph (1) shall acquire the mandate.

Chapter II

AMENDED PROVISIONS

Section 11-14

Section 15

Section 16

Section 17

Section 18-23

Section 24-26

Section 27-28

Section 29-31

Section 32-35

Section 36-42

Chapter III

FINAL PROVISIONS

Entering into force

Section 43

(1) Present law – with the exceptions described in paragraphs (2) and (3) – enter into force the 8th day following its announcement.

(2)-(3)

(4)-(5)

Transitory provisions

Section 44

Along preparing the elections for the European Parliament the citizens of the states that are not yet members of the European Union, but considering their accession they can already participate in the elections for the European Parliament, shall be regarded as if they were citizens of the member states of the European Union.

Section 45

Section 46-50

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Compliance with cardinal requirements of the Fundamental Act

Section 50/A

Section 2/A shall be considered as cardinal pursuant to Article XXIII (4) of the Fundamental Law.

Provisions referring to the legislation of the European Community

Section 51

Present law, together with Act C of 1997 on Election Procedure, in alignment with Section 3 of Act I of 1994 with regards to announcement of the European Agreement signed in Brussels on the 16th of December 1991 with regards to establishing an association between the Republic of Hungary and the European Communities and its member states, comprises regulations that are in alignment with the following regulations of the European Communities:

- a) Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals;
- b) the EC document attached to Decision 76/787/ECSC, EEC, Euratom, amended with the Council Decision 2002/772/EC Euratom of 25th of June and 23th of September, with regards to election of the MPs of European Parliament based on direct and general electoral rights.



NATIONAL ELECTION OFFICE