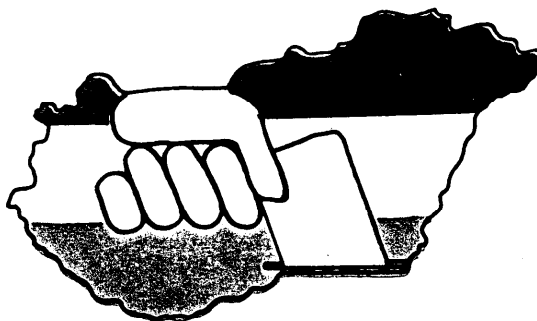


# ACTS ON THE ELECTION OF THE LOCAL GOVERNMENTS AND LOCAL MINORITY SELF- GOVERNMENTS

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# **Act LX11 of 1994 on the Election of Members of Municipal Governments and Mayors**

## **Part I**

### **Suffrage**

**Art. 1.** Suffrage shall be general and equal, and voting shall be direct and secret.

**Art. 2.** (I) Every adult Hungarian citizen, who is domiciled or resident in Hungary shall have the right to vote or to be elected during municipal elections. Suffrage is furthermore extended to immigrant non-Hungarian - according to Hungarian law - adult citizens. (hereafter referred to as voter).

(2) Any person who

- a/ is under curatorship restrictive or exclusive of his capacity for action;
- b/ has been barred by a final judicial decision from participating in public affairs;
- c/ is lying in prison sentenced;
- d/ has been committed in criminal proceedings to compulsory medical treatment

shall be disqualified from the franchise.

(3) Exercise of the right to vote shall be optional, and carried out - with the exception of the provisions set within this act - at the voter's residence.

(4) Any voter who has registered a temporary place of residence beside his/her permanent place of residence up to the day prior to the setting of the day of the election has the right to exercise his/her right to vote at his/her temporary place of residence with a certificate.

Art. 3. Non-Hungarian citizens shall not be entitled to be elected as members of municipal governments (hereafter referred to as deputy) nor mayors.

## **Part II**

### **Registration of Voters**

Art. 4. (1) The registry of voters (register henceforth) shall - based upon the registry compiled for the election of members of the parliament, as well as the data of personal and place of residence registers, and the register of citizens without suffrage - be compiled by the notary according to settlements, individual constituencies, and polling wards therein. The register shall be updated by any changes made to it up to 4 PM preceding the day of the election. The register shall be authenticated by the notary.

(2) The notary shall prepare within 37 days preceding the day of election the written notification of the voters' inclusion in the register, as well as compile a list of adults who do not have the franchise.

Art. 4/A. (1) The authorities assigned in subparas a/ to c/ holding the data according to para.(2) of persons not having the franchise shall, for the purpose of the compilation of the register, be obliged to notify to the authority assigned for this purpose by the Interior Ministerial order, of data according to the following:

- a/ the notary responsible for legal guardianship affairs, of the persons under curatorship restrictive or exclusive of capacity for action, or the annulment of such curatorship;
- b/ the authority registering criminals, about persons barred by a final judicial decision from participating in public affairs;
- c/ the respective penal execution institution, about persons lying in a prison, as well as persons sentenced in criminal proceedings to compulsory medical treatment.

(2) The data content of the notification according to para.(1) shall be:

- a/ family and given names (also the maiden family and given names in the case of women)
- b/ address of domicile, or such lacking, temporary place of residence;
- c/ personal identification number, or in the case of para. (1) point a/ the natural personal identification data (name, sex, place and time of birth, mother's name).
- d/ the cause of the loss of franchise, time of its commencement and the date of its probable termination;
- e/ the name of the court-of-law ruling the loss of franchise, the number of the order, its date and the date of its coming into force.

Art. 4/B. (1) The authority possessing the data relevant to persons without suffrage (NESZA) has to separate its register of adult citizens without the franchise from all of its other registers - with the exception of the register of voters. The register of adult citizens without the franchise can only be utilized for the expressed purposes provided by law.

(2) The register of adult citizens without the franchise and the local, territorial as well as the central personal data and address registers - relevant to the population in constituencies pertaining to elections, referendums and popular initiatives - may, from the 60th day preceding the day of voting until the publication of election results, be linked for the purpose of the definition of those with the right to vote. Any kind of linking has to be terminated after the ending of the period allowed for legal remedies in connection with the election. Linking of the registries may again be performed in the case of by-elections, at which time the notary may receive data contained within them.

Art. 5. (1) The register shall include:

- a/ those Hungarian citizens, whose permanent, or such lacking, temporary place of residence is in the settlement, or in the individual constituency, and will reach their majority or will be majorised by marriage on the day of election at the latest;
- b/ those non-Hungarian citizens who have immigrated to Hungary and have reached the age of 18, or have been majorised by marriage, and who hold the personal identification card issued to foreigners, furthermore their permanent, or such lacking, temporary

place of residence is in the settlement, or in the individual constituency.

(2) The registry and the register of adult citizens without the franchise shall be compiled according to personal identification and address data, and also data handed over by the body managing NESZA. The National Bureau of Registry of Personal Data and Address (OSZH henceforth), or the territorial body fulfilling the task of personal identification and address shall provide data about non-Hungarian citizens who have immigrated to Hungary, and also about persons without the franchise - according to Art.2. para. (2) subparas a/ to d/.

(3) The register shall be compiled in a way that shall be suitable for the identification of the capital, the county, the settlement, and also the individual constituency, the polling ward within the settlement, and the voter. The register shall contain apart from the previous the:

a/ name,

b/ personal identification number

c/ address,

d/ register number

of the voter.

(4) The register shall be put on public display 35 days preceding the day of election, and this date shall be made public in the manner customary for the locality, for a period of 10 days. The voters shall be notified in writing of their inclusion in the register not later than three days of the after register's publication.

(5) The register of the persons without the franchise is confidential, and no one, save the person in question, a court-of-law, and members of the electoral body or work group shall look into them.

(6) The electoral register that has been put on display, as well as the register used by polling committees, and the notifications may not display the personal identification number; voters bearing the same name and address shall be distinguished by their date of birth or some other natural identification data.

(7) The compilation of the electoral register and the technical

preparation of notifications may be transferred by the notary to another local government's notary, to the territorial or central body maintaining the register of the citizens' personal data and address, or to the employees of the mayor's office. The notary shall be responsible for the sending of the notifications. Delivery of notifications shall not be entrusted to the leaders nor any members of parties, social or minority organizations.

(8) The National Bureau of Registry of Personal Data and Address (OSZH) shall, upon the request of nominating organizations, on an equal footing, and for a charge, not later than 30 days preceding election, hand over the first and family names of voters included in the register sixteen days before elections are held. Such a list may not display the personal identification numbers of electors. Nominating organizations may request this service to be based upon groupings according to age, sex, or address.

(9) A copy of the register that has been put on display may upon the request of a nominee, this having been made not later than 30 days preceding election, shall be handed over to the nominee sixteen days before elections for a charge, and on an equal footing, listed according to polling wards at most.

(10) Data handed over according to paras (8) and (9) shall be utilized solely for the purposes of an electoral campaign. The utilization of such a document in any other way, as well as the transferral of it to unauthorized persons, organizations, other nominees or nominating organizations is prohibited. These documents shall be destroyed on the day of election, and the records of their destruction shall be handed over to their source no later than three days following that time.

Art. 6. (1) During the public display of the register, objections may be raised before the notary in case of the elector's inclusion or exclusion in the electoral register. The objection shall be decided upon by the notary within three days. Rejection of the objection may be contended in the district court, in Budapest the Central District Court of Pest, within three days of its receipt.

(2) The court shall decide the issue with the participation of peo-

ple's assessors within three days of receiving it, through extrajudicial proceedings. Before handing down its decision, the court shall at request, grant audience to every interested party. If founded, the correction of the register shall be ordered, or, if unfounded the objection shall be rejected by the court. No further appeal shall lie against the court's decision.

(3) The court shall notify its decision, on the day it is handed down, to the notary, and to the person who has raised the objection. If the court orders the name of a person to be stricken off the register, the decision shall be notified to that person as well.

(4) Voters omitted from the register shall be entered on it ex post by the notary, a notification shall be sent to the voter concerned. (Art.5. para. (4) )

(5) The notary shall strike off the register the name of a voter who has died in the meantime, has lost his/her franchise, has been included in the register of another constituency, or is to be included in one due to a change of address, or is to vote in possession of a certificate in another constituency.

Art. 7. (1) If after the compilation of the register a voter changes his/her domicile, s/he may apply to the competent notary of his/her new place of residence, who, concurrent with the application, - which is to be accompanied by a certificate of the applicant's inclusion in the electoral register of his/her formal place of residence -, shall include him/her in the register, and shall notify the notary of the former place of residence, in order for the elector's name to be stricken off the register thereat.

(2) If a voter requests his/her inclusion in the register without a certificate of the applicant's inclusion in the electoral register of his/her formal place of residence, and is included by the notary in the register, the notary shall notify the notary of the former place of residence, in order for the elector's name to be stricken off the register thereat. The competent notary of the applicant's former place of residence shall officially notify the competent notary of the new place of residence of the applicant's previous inclusion in the register, and also of his/her having been stricken off therein, or if this be the case, of the applicant's previous not having been included in the register, or inclusion in the registry of adult citizens without the franchise.



(3) A voter with a temporary place of residence may request from the notary - or, on the day of election from the electoral committee - his/her inclusion in the register of his/her temporary place of residence in possession of a certificate from the competent notary of his/her permanent place of residence. In possession of such a certificate s/he may vote in his/her temporary place of residence. A specimen of the certificate can be found in Schedule No. 6.

(4) When issuing a certificate the competent notary of the permanent place of residence shall at the same time strike the elector's name from the register. On the basis of the elector's declaration the certificate shall show the temporary place of residence where the voter intends to vote, and that place shall also be indicated in the register. The receipt of the certificate shall be acknowledged by the voter or his/her representative in possession of the elector's authorization thereof by the signing of his/her name.

(5) On the basis of the certificate and his/her identification card, the voter shall be entered on a separate register by the competent notary, or electoral committee in the new place of residence. The certificate and the separate register shall be kept among the electoral documents.

(6) A certificate may be issued until 4 PM on the day preceding the day of election. It can be applied for either personally or through a representative. The certificate may also be requested through Registered Mail, providing that this shall arrive to the competent office on the fifth day preceding election at the latest. The letter has to indicate the temporary place of residence where the voter proposes to vote. A certificate applied for in the mail has to be posted to the address declared by the applicant C.O.D.

(7) The National Electoral Board shall control the data of the voters taken into separate registration on the basis of their certificate after election, in order to preclude the chance of multiple balloting.

(8) The applicant for a certificate shall be obliged to reveal his/her personal identification number before receiving his/her certificate.