

# ACT NO XXXIV OF 1989 ON THE ELECTION OF MEMBERS OF

## PARLIAMENT

(Enacted by Parliament on 20 October 1989)

### PART I

#### SUFFRAGE

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

Art 2. (1) Every adult Hungarian citizen except those mentioned in para. (2) shall have the right to vote during the election of Members of Parliament in the Republic of Hungary (hereafter referred to as elector).

(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 serving a prison sentence;

(d) has been committed in criminal proceedings to compulsory medical treatment shall be disqualified from the franchise.

(3) Every person entitled to vote and domiciled in Hungary shall have the right to be elected.

(4) Any person staying abroad on the day of election and having no permanent or temporary place of residence in Hungary shall be considered to be prevented from exercising his right to vote.

Art.3. Exercise of the right to vote shall be optional.

### PART II

#### ELECTORAL SYSTEM

##### Chapter I

#### MEMBERS OF PARLIAMENT

Art.4. (1) The number of MPs shall total 386.

(2) There shall be elected 176 MPs in individual constituencies and 152 in county and metropolitan (hereafter territorial) ones. On the basis of a national aggregate of votes less than

required for mandates in individual and territorial constituencies the parties may obtain an additional 58 compensatory mandates from the national list.

(3) The number of individual constituencies in the counties and the capital city and that of the mandates obtainable in each territorial constituency as well as the principles governing the establishment of constituencies are determined by the Schedule hereto.

(4) MPs shall have equal rights and duties.

## Chapter II

### NOMINATION

Art.5. (1) Candidates in individual constituencies may be nominated, subject to the conditions specified by para.(2), by electors and social organisations complying with the provisions of the Act on the Functioning and Finances of Political Parties (henceforth: party). Candidates may also be nominated jointly by two or more parties. In case of candidate being jointly nominated by two or more parties, the names of each nominating party have to be presented on the nomination coupon.

(2) To be nominated in an individual constituency, a person shall have the proposals of at least 750 electors with their signatures affixed thereto. Proposals shall not be made except on a "nomination coupon" as indicated in the Schedule affixed hereto. If a candidate has been nominated separately as individual and also party candidate, the nominating coupons cannot be merged. An elector may propose only one candidate in one individual constituency, and only in the individual constituency in which he/she is resident. In the case of an elector proposing more than one candidates, each of his nominations shall become void.

(3) Candidates in territorial constituencies may be nominated by parties on territorial lists. A territorial list may be drawn up by the party which in a territorial constituency has, in one-fourth, of the individual constituencies but in at least two individual constituencies, presented the number of candidates specified by the Schedule hereto. The right to present a list of candidates shall not be prejudiced by a party candidate having withdrawn in an individual constituency after the first poll.

(4) A national list may be presented by the party which has drawn up lists in at least seven territorial constituencies.

(5) Parties - in case of their joint individual constituency nomination - may jointly present territorial and national lists, furthermore they may combine their lists.

(6) Thrice as many candidates may be put forward on territorial and national lists as there are mandates obtainable on those lists. If the number of announced candidates is smaller than the number of mandates on the list, the remaining mandates shall remain vacant.

(7) One and the same person may be put forward as a candidate concurrently in one individual constituency, on one territorial list and on the national list. If a candidate has obtained a mandate

in the individual constituency, his name shall be stricken from the territorial or the national list. If he has obtained a mandate on the territorial list, his name shall be stricken from the national list.

(8) If a candidate is eliminated from a party list, he shall be replaced by the next succeeding candidate.

(9) An elected representative of the Social Security Selfgovernments cannot be proposed as a candidate for a parliamentary seat.

Art.6. abrogated

### Chapter III

#### DETERMINATION OF ELECTION RESULTS

Art. 7. (1) A candidate in an individual constituency shall become an MP after the first poll if he/she has obtained more than half the votes validly cast, provided that more than one half of electors in the constituency have cast their votes.

(2) If during the first poll the turnout did not exceed half of electors in the constituency (invalid poll), during the second poll.

a) all candidates who have done so during the first poll may stand for election;

b) the candidate having obtained the greatest number of votes validly cast, provided that the turnout exceeded one fourth of electors in the constituency, shall become an MP.

(3) If during the first poll the turnout exceeded one half of electors in the constituency, but no candidate has obtained more than half the votes validly cast (unsuccessful poll), during the second poll

a) the candidates having obtained at least 15 % of the votes validly cast during the first poll may stand for election; if there are not three such candidates, the three candidates having obtained the greatest number of votes during the first poll may do so; if any one of the candidates decides to step down during this time, no other candidate may take his/her place;

b) the candidate having obtained the greatest number of votes validly cast, provided that the turnout exceeded one fourth of electors in the constituency, shall become an MP.

(4) abrogated

(5) A by-election shall be conducted in an individual constituency where, for lack of candidates, it was impossible to hold the first or second poll.

Art. 8. (1) The candidates on party lists in territorial constituencies shall obtain mandates in proportion to the number of votes cast, to be calculated in the manner specified by the Schedule

hereto, in the order in which they are included in the lists, provided that the turnout exceeded one half of electors.

(2) If the first poll in a territorial constituency is invalid because the turnout did not exceed one half of electors, all candidates on party lists who have done so during the first poll may stand for election during the second poll. The candidates on party lists shall obtain mandates in proportion to the number of votes cast, to be calculated in the manner specified by the Schedule hereto, provided that the turnout exceeded one-fourth of electors.

(3) If, following the calculation in accordance with paragraphs (1) and (2), there remain vacant mandates in a territorial constituency, a mandate shall be obtained even by a list that received a number of votes smaller than, but exceeding two-thirds of, those required for a mandate. If there are several such lists, the mandate shall be obtained by the one that has received the next greatest number of votes. If after the calculation there still remains a vacant mandate, it shall be added to those obtainable on the national list.

(4) In the case of a mandate being obtained under para. (3), the difference between the numbers of votes required for a mandate and actually received shall be deducted from the national aggregate of surplus votes obtained by the party putting forward a candidate.

(5) If, however, a territorial party-list failed to receive more than two-thirds of votes required for a mandate in the constituency concerned, or more than 5 % of the national aggregate of the votes validly cast for the territorial party-lists, the party-list shall not obtain a mandate even in the case covered by paragraphs (1) to (3). In this respect only the validly cast votes for the same party territorial lists have to be aggregated. Parties presenting a common or combined list do not receive a mandate, if they fail to receive at least 5 % per party, or in the case of more than three parties, a total of at least 15 % of the national aggregate of validly cast votes. If a party presented common candidates, or common or combined lists, with different parties, in two or more individual, or territorial constituencies, the votes must be aggregated separately for the common candidates, or common or combined lists, when aggregating surplus votes and defining the limit percentage, and also when handing out mandates.

(6) The parties which notified the combination of their lists at least 8 days before election shall obtain mandates in proportion to the aggregate votes cast for their respective lists. The notification to the electoral board shall also indicate the order in which the candidates are to obtain a mandate. The notification shall be made public by the electoral board.

(7) The parties which presented a common list, or combined their respective lists in a territorial constituency shall, at least 8 days before election, notify to the electoral board the proportion in which their surplus votes on the common list or the combined ones are to be taken into account in the national aggregation of votes.

(8) If two or more parties have received equal numbers of votes and stand to obtain mandates with those quantities of votes, but the number of mandates in the territorial constituency is smaller than that of the parties having received equal numbers of votes, the mandates shall be distributed in the order of the ordinal numbers of list.

(9) If no party-lists are presented in a territorial constituency, the respective mandates for that territorial constituency shall go on the national list, and shall be distributed according to the surplus votes.

(10) If the second round of election shall prove to be unsuccessful in a territorial constituency, because not even a quarter of the electorate cast their votes, then the votes cast in the first round of election shall be considered as surplus votes, and the vacant territorial constituency mandates shall be distributed on the national list.

Art.9. (1) Candidates on national lists shall obtain mandates in proportion to the national aggregates of surplus votes and in the order notified. To be counted as surplus votes are those

a) which were cast, in an individual constituency during the first valid poll, for party candidates who did not obtain a mandate during either poll;

b) which were cast for lists, in a territorial constituency during the valid poll, in a number smaller than required for mandate, or which exceeded the number of votes required for a mandate.

(2) Votes cast during an invalid poll shall not be counted as surplus votes under para. (1) and hence shall not be taken into account for purposes of obtaining mandates on the national list - except for the event of Article 8 para. (10) -. Similarly, the votes cast for the territorial lists of the party whose votes on those lists and whose national aggregate of votes do not exceed the percent limit, defined in Article 8 para. (5), of the votes cast for the territorial lists of all parties. In this respect only those nationally cast valid votes may be aggregated which were cast for the same parties - or the territorial lists of same parties presenting common or combined territorial lists -.

(3) The parties which notified the combination of their national lists at least 8 days before election shall obtain mandates in proportion to the aggregate surplus votes for their respective lists. The notification to the National Electoral Board shall also indicate the order in which their candidates are to obtain mandates. The notification shall be made public by the National Electoral Board.

### PART III

#### ELECTORAL PROCEDURES

Chapter IV - Chapter X abrogated

#### Chapter XI

##### BY-ELECTIONS

Art. 46. (1) A by-election shall be held in an individual constituency if the second poll were to be invalid, or the mandate of an MP in an individual constituency has been ceased.

(2) abrogated

(3) The rules of general elections shall, with the differences made in this Chapter, apply, mutatis mutandis, to by-elections.

(4) The results of a by-election shall not affect the mandates on the national lists.

(5) In cases where the mandate of an MP on a territorial or a national list has ceased, it shall be obtained, among the party candidates originally included on the lists, by the persons named by the party concerned. Within 30 days of the emergence of the reason therefore, the party shall notify the name of the new MP to the competent electoral board.

## Chapter XII

### FINAL PROVISIONS

Art. 47. (1). Following the registration (Art. 6 (4)), candidates shall not be called up for military service regular or reserve, or their service shall be interrupted until the day following election. Elected MPs shall be exempted from service for the period of their mandate.

(2) In the course of the employment of this Act, place of residence shall mean the terms defined in Art. 5. Act LXVI. 1992 on the Registering of Citizens' Personal Data and Address.

Art. 48. (1) Within 24 hours of the ending of voting, the National Electoral Board shall make the preliminary election results public through the Hungarian Radio, the Hungarian Television and the Hungarian Telegraphic Agency, and on that basis the preliminary results shall be carried by the political dailies of nation-wide circulation in their next issues.

(2) The final election results shall be published in Magyar Közlöny.

Art. 49. abrogated

Art. 50. (1) The expenses incurred in connection with state tasks concerning the preparation and conduct of elections (personnel, physical facilities, functioning of electoral bodies, electoral registers, prints, transport, telecommunication, etc.) shall be covered from the state budget to the extent determined by the Parliament. The State Audit Office shall inform the Parliament of the utilization of such funds.

(2) The Council of Ministers shall be empowered to determine the ordinal numbers, seats and boundaries of individual and territorial constituencies.

Art. 51. abrogated

Art. 52. The Schedules to this Act shall determine

a) abrogated

b) the number of individual constituencies in the counties and the capital city as well as the number of mandates obtainable in each territorial constituency;

c) the number of candidates in individual constituencies required for the presentation of a territorial list;

d) the procedures for the aggregation of votes and the establishment of election results;

e) - k) abrogated

Art. 53. - 55. abrogated

Art. 56. (1) This act shall enter into force on the day of its promulgation.

(2) - (6) abrogated