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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

Act CCXXXVIII of 2013
Initiating Referendums, the European Citizens' Initiative and
Referendum Procedure as of 21 December 2020

It is a constitutional basic principle that the people shall be the holder of the power. 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 when deciding the most important issues affecting the country, the citizens are involved directly, through referendum. Local governments enjoy the same rights in their exercise of local power.

With respect to these basic principles and for the performance of Article 8 and subsection (2) of Article 31 of the Fundamental Law, be it enacted by the National Assembly, as follows

Chapter I

General provisions

1. § (1) General provisions of the Act XXXVI of 2013 on Electoral Procedure (hereinafter referred to as 'Ve.') shall apply – with the differences included in this Act – to the procedures falling under the scope of this Act.

(2) The National Election Commission may issue guidelines for the election bodies to promote a unified interpretation of the legal provisions relating to procedures regulated by this Act.

Chapter II

Initiating a national referendum

1. The organiser of an electors' initiative

2. § (1) An electors' initiative for calling a national referendum may be organised by

a) a private individual who has the right to vote at parliamentary elections,

b) a political party,

c) an association which does not have the legal status of a party (hereinafter 'other association') as regards any question in connection with the purpose set out in the deed of foundation of that association.

(2) An initiative may have several organisers. In such a case the organisers shall designate a person to liaise between them and the election bodies.

2. Submission of the proposed referendum question

3. § (1) Before commencing the collection of signatures the organiser shall submit the proposed referendum question to the National Election Commission for certification of that question.

(2) On a signature sheet there may be one question.

(3) When submitting a question, the private individual organiser shall give to the National Election Commission his name, home address and personal identification number, if he has no personal identification number, the number of the document proving his Hungarian citizenship.

(4) Any other association shall attach its deed of foundation as well when submitting a question.

(5) The National Election Office shall verify the existence of the party or other association in question and the correctness of their data based on the court register of non-governmental organisations.

4. § (1) The question shall be submitted with signatures of support from at least twenty electors whose maximum number must not exceed thirty.

(2) Before commencing the collection of signatures of support, the organiser shall notify the data protection register of the processing of data.

(3) Subsections(2) and (3) of section 15 shall apply to the signatures of supporting electors.

(4) The National Election Office shall verify in the central electoral register whether the organiser and the supporting electors have the right to vote.

(5) When establishing the number of supporting electors, the private individual organiser shall also be taken account of.

5. § The President of the Republic and the Government shall submit the question proposed by them for referendum to the National Election Commission for certification of that question.

6. § (1) The question may be submitted in person or by mail.

(2) The date of submission is the date on which the National Election Office receives the question.

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

8. § (1) No other question with the same content shall be submitted

a) after that a final resolution, under subsection (3) of section 22, of the National Election Commission has stated that the number of valid signatures is at least two hundred thousand,

aa) until the resolution refusing to order the referendum has become final,

ab) until the referendum has been held, or

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

b) after that the National Assembly has ordered the referendum in a legally binding way by virtue of the second sentence of subsection (1) of Article 8 of the Fundamental Law,

ba) until the referendum has been held, or

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

(2) Following the submission by the organiser of the question proposed for referendum, no other question with the same content shall be submitted by the President of the Republic or by the Government

a) within sixteen days following the rejection under subsection (1) of section 10 by the president of the National Election Office if no re-submission has been made,

b) until the expiry under subsection (1) of section 29 of the deadline for submitting judicial review requests against the decision concerning the certification of the question, if no judicial review request against the decision refusing to certify that question has been submitted,

c) up until 0.00 o'clock on the day after the publication under subsection (3) of section 30, in the Official Gazette of Hungary, of the resolution of the Curia

ca) upholding the decision of the National Election Commission to refuse the certification, or rejecting, without an in-depth examination, the judicial review request submitted against that decision, or

cb) altering the decision of the National Election Commission certifying the question, if a judicial review request against the decision concerning the certification of the question has been submitted,

d) until the referendum initiative is withdrawn,

e) until the deadline for the submission of signature sheets expires inconclusively,

f) until the resolution refusing to order the referendum has become final,

g) until the referendum has been held, or

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

(3) Two questions shall be considered as having the same content if they would impose wholly or partly identical, or mutually exclusive, obligations on the National Assembly.

9. § (1) The question proposed for referendum shall be worded in such manner that it allows a straightforward response, and permits the National Assembly to decide – on the basis of the outcome of the referendum – whether it has the obligation to make a law, and if so, what kind of a law.

(2) The question proposed for referendum shall not contain any obscene expression or any other expression shocking in any other way.

3. Certification of the question

10. § (1) Where an initiative is obviously contrary to the constitutional purposes of the legal institution of the national referendum, or it does not comply with the conditions set out in sections 2-4, 6 and in subsection (1) of section 8, and where the signature sheet does not comply with the statutory requirements, the president of the National Election Office shall reject, by means of a resolution, the question within five days after its submission, and shall not lay it before the National Election Commission. As to the content and the publication of the resolution to reject the question, sections 46, 47, subsection (3) of section 48 and section 50 shall apply.

(2) The resolution of the president of the National Election Office shall not be subject to legal remedy – the organiser, however, can re-submit his question. Certification of the question re-submitted must be put on the agenda of the National Election Commission, except when the number of supporting electors – private individual organisers included – does not attain twenty.

(3) Where the organiser re-submits the question within fifteen days after the publication of the resolution of the president of the National Election Office to reject the question, the date of the first submission shall be considered as the date of the submission in pursuance of section 8.

11. § (1) The National Election Commission shall take a decision as to certify or refuse to certify the question within thirty days after the submission of that question. The National Election Commission certifies the question if it satisfies the conditions of the Fundamental Law and of this Act with respect to the question. The question submitted by the organiser may only be certified if the signature sheet meets the statutory prescriptions.

(2) In their resolution certifying the question, the National Election Commission shall determine whether the circumstance specified in subsection (3) of section 8 exists.

(3) Where the circumstance specified in subsection (3) of section 8 comes to existence after that the question has been certified, the National Election Office shall, without delay, notify the organiser in writing by sending him the final resolution providing for it.

(4) The National Election Office shall without delay inform the electors on the official website of elections about the existence of questions having the same content.

This information shall contain

a) the date on which the final certification of the question having the same content was made,
b) the date on which the signature sheets containing questions with the same content were submitted in pursuance of subsection (1) of section 19,

c) the final result in pursuance of subsection (3) of section 22 of the verification of signatures on signature sheets submitted in pursuance of subsection (1) of section 19 and containing questions with the same content,

d) the date on which the National Assembly took their final decision ordering the referendum by virtue of the second sentence of subsection (1) of Article 8 of the Fundamental Law, relating to referendum initiatives having the same content,

e) the date on which the National Assembly took their decision not to order the referendum by virtue of the second sentence of subsection (1) of Article 8 of the Fundamental Law, relating to referendum initiatives having the same content,

f) the referendum initiatives which have been suspended by virtue of paragraph a) of subsection (2) of section 19/B., and those which have been temporarily ceased by virtue of subsection (1) of section 19/C.

(5) If a final decision under subsection (3) of section 22 of the National Election Commission states that the number of valid signatures is at least two hundred thousand, or if the National Assembly have taken their final decision ordering the referendum by virtue of the second sentence of subsection (1) of Article 8 of the Fundamental Law, no other question with the same content shall be certified.

12. § Where the question proposed for referendum contains an obscene expression or any other expression shocking in any other way, the National Election Commission shall reject the initiative without an in-depth examination.

13. § (1) The National Election Commission shall publish within eight days its resolution to certify the question in the Official Gazette of Hungary.

(2) The National Election Commission shall publish a notice in the Official Gazette of Hungary about its resolution – including the one to reject the initiative – to refuse to certify the question proposed for referendum.

This notice shall contain

a) the number of the resolution,

b) the fact that the certification has been refused, and

c) an information that the resolution can be viewed on the official website of elections.

(3) The National Election Commission shall publish its resolution to certify or to refuse – including the one to reject the initiative – to certify the question on the day on which that resolution is taken on the official website of elections.

14. § (1) Within five days following the inconclusive expiry of the deadline for legal remedy against the decision to certify the question, or – in the case of a legal remedy – within five days following the publication, in the Official Gazette of Hungary, of the decision of the Curia to uphold the certification, or to reject, without an in-depth examination, the judicial review request submitted against the decision to certify the question, or to certify that question, the National Election Office shall, without delay but within five days at the latest, hand over to the organiser the signature sheets containing the certified question, in the quantity he has specified. The National Election Office shall provide each of the sheets with a unique identifier.

(2) The organiser can, at any time during the period for collecting the signatures, request additional signature sheets.

(3) The National Election Office shall indicate the question on the sheets.

(4) Within five days following the inconclusive expiry of the deadline for legal remedy against the decision to certify the question submitted by the President of the Republic or by the Government, or – in the case of a legal remedy – within five days following the publication, in the Official Gazette of Hungary, of the decision of the Curia to uphold the certification, or to reject, without an in-depth examination, the judicial review request submitted against the decision to certify the question, or to certify the question, the president of the National Election Commission shall notify the Speaker of the National Assembly about the certification of that question.

4. Collection of signatures

15. § (1) An electors' initiative for a national referendum may be supported on a signature sheet issued by the National Election Office. No signature of support can be withdrawn.

(2) On the signature sheet, along with the personal signature of the elector and in order to ensure the verification of his signature, the elector's family name and his first name as well as his personal identification number and his mother's name must be written in a legible form. For electors who don't have a personal identification number, the number of the document proving their Hungarian citizenship must also be written on the signature sheet in a legible form. These data relating to the elector must appear on the same page as the question.

(3) An elector may support the initiative by a single signature, his further signatures shall be invalid.

(4) On the signature sheet, the person collecting the signatures shall indicate

a) his name,

b) his personal identification number or the number of the document proving his Hungarian citizenship,

and he shall sign the signature sheet.

16. § (1) With the exception mentioned in subsection (2), signatures may be collected anywhere without harassing the electors.

(2) No signature shall be collected

a) during working hours, at the workplace of the person collecting or providing the signature, or while one or the other is fulfilling his or her obligations to perform work arising from employment or other legal relation concerning performance of work,

b) from persons in service in the Hungarian Armed Forces or in a central administration body at their service post or while they are performing their duty,

c) on means of public transport,

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

e) on the premises of healthcare providers,

f) in higher education and public education institutions.

(3) Advantages shall not be granted or promised to electors for giving their signature. Electors giving their signature shall not ask for or accept an advantage or a promise of an advantage in return for giving their signature.

17. § Signatures collected in a manner that does not satisfy section 15, or in breach of the provisions set out in section 16, shall be invalid.

17/A. § After that a final resolution, under subsection (3) of section 22, of the National Election Commission has stated that the number of valid signatures is at least two hundred thousand, or after that the National Assembly has ordered the referendum in a legally binding way by virtue of

the second sentence of subsection (1) of Article 8 of the Fundamental Law, no signature sheets in a referendum initiative having the same content shall be issued to the organiser.

18. § (1) In the period between the fortieth day before the date of the general election of Members of Parliament, Members of the European Parliament, municipal representatives and mayors, and representatives of national minority self-governments, and the fortieth day after the date of one or more of these elections, the collection of signatures shall cease.

(2) Where the organiser does not finish collecting the signatures until the fortieth day before the date of the general election of Members of Parliament, Members of the European Parliament, municipal representatives and mayors, and representatives of national minority self-governments, he must hand over the signature sheets so far collected to the National Election Office no later than thirty-nine days before the date of the poll. In case of a failure to comply with this obligation, the National Election Commission shall impose a fine of its own motion. The amount of this fine is one thousand forints for each signature sheet that has not been handed over.

(3) Signatures on signature sheets that are not handed over within the deadline specified in subsection (2) shall be invalid.

(4) On the fortieth day after the date of the poll, the National Election Office shall hand over to the organiser the signature sheets containing the certified question, in the quantity he has specified.

5. Verification of the signatures

19. § (1) Within one hundred and twenty days after that he has received, under subsection (1) of section 14, the signature sheets, the organiser may submit the signature sheets of the citizens' initiative for calling a national referendum to the National Election Commission on one occasion for the signatures to be verified. The period specified in subsection (1) of section 18 and the temporary cessation under paragraph a) of subsection 19/B. (6) do not count in this deadline.

(2) Where the organiser makes a request for signature sheets seven days after the inconclusive expiry of the deadline for legal remedies against the decision to certify the question, or – in the case of a legal remedy – seven days following the publication, in the Official Gazette of Hungary, of the decision of the Curia, the deadline under subsection (1) shall be calculated from the seventh day after the inconclusive expiry of the deadline for legal remedies against the decision to certify the question, or – in the case of a legal remedy – from the seventh day following the publication, in the Official Gazette of Hungary, of the decision of the Curia.

(3) At the same time as the submission specified in subsection (1), but not later than the last day of the deadline for the submission of the signature sheets, the organiser shall hand over each signature sheet to the National Election Office. In case of a failure to comply with this obligation, the National Election Commission shall impose a fine of its own motion. The amount of this fine is one thousand forints for each signature sheet that has not been handed over.

(4) Signatures on sheets that are handed over with delay or additionally, or not by the organiser, or by virtue of subsection (1) of section 19/A., shall be invalid.

19/A. § (1) Where the National Assembly orders the referendum in a legally binding way by virtue of subsection (1) of Article 8 of the Fundamental Law, the organiser shall, in the case of a referendum initiative having the same content, hand over all the signature sheets to the National Election Office within fifteen days following the day on which the National Assembly ordered the referendum in a legally binding way.

(2) In case of a failure to comply with the obligation specified in subsection (1), the National Election Commission shall impose a fine of its own motion. The amount of this fine is one thousand forints for each signature sheet that has not been handed over.

19/B. § (1) If the circumstance specified in subsection (3) of section 8 exists, and the number of valid signatures on the sheets submitted first under subsection (1) of section 19 (hereinafter referred to as 'primary submission') does not attain two hundred thousand, but is at least one hundred thousand, and the resolution determining the result of the verification of the signatures has become final, the organiser shall, in the case of a referendum initiative having the same content, hand over (hereinafter referred to as 'secondary submission') all the signature sheets to the National Election Office until the 85th day (hereinafter referred to as 'submission deadline with suspensory effect') following the day of the primary submission.

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

- a) he requests that the collection of signatures be suspended, or
- b) he requests that the signatures submitted be verified under subsection (1) of section 19, or
- c) he withdraws his referendum initiative.

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

(4) In the case of a failure to comply with the obligation, under subsection (1), the National Election Commission shall impose a fine of its own motion. The amount of this fine is one thousand forints for each signature sheet that has not been handed over.

(5) From the day following the submission deadline with suspensory effect until the decision – taken by the National Assembly on the basis of the information under subsection (3) of section 23, and in accordance with subsection (2) of section 25, and based on the second sentence of subsection (1) of Article 8 of the Fundamental Law – not to order the referendum, the deadline under subsection (1) of section 14 shall temporarily cease.

(6) In the case of a suspension within the meaning of paragraph a) of subsection (2),

a) the suspension shall cease on the day on which the National Assembly take their decision – on the basis of the information under subsection (3) of section 23, and in accordance with subsection (2) of section 25, and based on the second sentence of subsection (1) of Article 8 of the Fundamental Law – not to order the referendum, and within five days the National Election Office shall hand over to the organiser the signature sheets containing the certified question, in the quantity he has specified,

b) from the day of the secondary submission until the day when the signature sheets, as specified in paragraph a), are handed over, the deadline within the meaning of subsection (1) of section 19 shall temporarily cease, and

c) if the National Assembly, by virtue of subsection (1) of Article 8 of the Fundamental Law, has ordered the referendum in a legally binding way, the suspended referendum initiative shall cease definitively.

19/C. § (1) After that a final resolution under subsection (3) of section 22 of the National Election Commission has stated that the number of valid signatures is at least two hundred thousand, the deadline within the meaning of subsection (1) of section 14 and subsection (1) of section 19 shall – in the case of referendum initiatives having the same content – temporarily cease from the day following the day on which the resolution of the National Election Commission became final.

(2) In the case provided for in subsection (1) above, the organiser must hand over each signature sheet to the National Election Office within 15 days after that the resolution determining the result of the verification of the signatures has become final.

(3) When handing over the signature sheets, the organiser may make a declaration in which he states that he withdraws his referendum initiative.

(4) In case of a failure to comply with the obligation specified in subsection (2) above, the National Election Commission shall impose a fine of its own motion. The amount of this fine is one thousand forints for each signature sheet that has not been handed over.

(5) In the case of a temporary cessation within the meaning of subsection (1),

a) if the National Assembly orders, by virtue of subsection (1) of Article 8 of the Fundamental Law, the referendum in a legally binding way, the referendum initiative temporarily ceased shall cease definitively,

b) if the decision of the National Assembly ordering the referendum does not become final by virtue of section 33 of Act CLI of 2011 on the Constitutional Court, the temporary cessation shall cease on the day which follows the publication of the decision of the Constitutional Court, and within five days the National Election Office shall hand over to the organiser the signature sheets containing the certified question, in the quantity he has specified.

20. § After the submission of the signature sheet, the organiser cannot withdraw the referendum initiative.

21. § (1) The National Election Office shall verify the signatures. Signatures on signature sheets submitted within the meaning of subsection (4) of section 19, and signatures collected in breach of section 16 shall not be verified by the National Election Office.

(2) When several questions having the same content have to be certified, the verification of the signatures on the sheets which were submitted first shall be done.

(3) When verifying the signatures, compliance with the requirements as set out in section 15 shall be examined, the citizens giving their signatures shall be identified, the fact whether these citizens have the right to vote shall be established, and the number of valid signatures shall be stated.

(4) The identification of the citizen giving his signature for the initiative, and the statement whether he has the right to vote, shall be done by comparing the data relating to him on the signature sheet with the data in the central electoral register.

(5) The itemized verification of the signatures must continue until it becomes ascertained

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

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

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

(6) If a final resolution, under subsection (3) of section 22, of the National Election Commission states that the number of valid signatures is at least two hundred thousand, or if the National Assembly have taken their final decision ordering the referendum by virtue of the second sentence of subsection (1) of Article 8 of the Fundamental Law, the itemized verification of the signatures in the case of a referendum initiative having the same content shall not be carried out.

(7) If a final resolution, under subsection (3) of section 22, of the National Election Commission states that the number of valid signatures is at least two hundred thousand, but the decision of the National Assembly ordering the referendum does not become final by virtue of section 33 of Act CLI of 2011 on the Constitutional Court, the verification of the signatures in the case of a referendum initiative having the same content shall be carried out after that the resolution of the Constitutional Court has been published.

(8) While establishing the number of signatures, the number of citizens supporting the submission for certification of the initiative shall also be taken account of.

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

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

(2) The verification of the signatures shall be carried out within sixty days after the date of the submission of the signature sheets.

(3) The result of the verification of the signatures is stated by the National Election Commission in a resolution.

23. § (1) If the number of valid signatures is at least two hundred thousand, the result of the verification of the signatures shall be notified – on the working day which follows the day on which the resolution stating it becomes legally final – by the president of the National Election Commission to the Speaker of the National Assembly.

(2) If the number of valid signatures does not attain two hundred thousand but is at least one hundred thousand, and the circumstance specified in subsection (3) of section 8 does not exist, the result of the verification of the signatures shall be notified – on the working day which follows the day on which the resolution stating it becomes legally final – by the president of the National Election Commission to the Speaker of the National Assembly.

(3) If the number of valid signatures does not attain two hundred thousand but is at least one hundred thousand, and the circumstance specified in subsection (3) of section 8 exists, the president of the National Election Commission shall inform the Speaker of the National Assembly on the working day which follows the day on which the result of the verification of the signatures on sheets (which contain a question with the same content and which had been submitted – before the submission deadline with suspensory effect – under paragraph b) of subsection (2) of section 19/B. and for which a verification had been requested) became legally final.

This information shall contain the legally final result of the verification of the signatures on signature sheets containing a question with the same content and which have been submitted – before the submission deadline with suspensory effect – under paragraph b) of subsection (2) of section 19/B. and for which a verification was requested. The information shall also contain the order in which the sheets were submitted.

6. Protection of personal data

24. § (1) Particulars on the signature sheet relating to the elector and to the person who collects the signatures shall not be public, and no copies shall be made thereof with the exception of the technical records kept by the body verifying the signatures for the purpose of establishing whether the signatures are valid or not.

(2) Particulars relating to the elector and to the person collecting the signatures, and the technical records, may only be verified by the National Election Commission, the National Election Office and the Curia.

(3)

(4) The signature sheet submitted and the technical records shall be destroyed by the National Election Office between the thirtieth and the forty-fifth day after the day on which the number of the valid signatures was determined.

(5) Personal data relating to the organiser and to the elector supporting the initiative under section 4 shall be treated by the National Election Commission, the National Election Office and the Curia for the purpose of, verifying the entitlement to the submission of the initiative, and of liaising. These data – with the exception of the data published under section 7 – shall be deleted

a) between the thirty-fifth and the fortieth day after the date mentioned in paragraphs a)-f) of subsection (2) of section 8, or

b)

c) within five days after that the resolution ordering the holding of the referendum has become legally final.

7. Ordering the referendum

25. § (1) The Speaker of the National Assembly shall announce the initiative at the session immediately following the receipt of the notification within the meaning of subsection (4) of section 14, or subsections (1)-(3) of section 23. When computing the deadline, the breaks between the parliamentary session periods and the duration of the postponement shall not be taken account of.

(2) The National Assembly shall take a decision as regards the ordering of the initiative for a referendum within thirty days following the announcement made under subsection (1) and in the order of the submissions in the case of a notification within the meaning of subsection (3) of section 23. When computing the deadline, the breaks between the parliamentary session periods and the duration of the postponement shall not be taken account of.

(3) The National Assembly may order only one referendum in the case of questions having the same content.

26. § The President of the Republic and the Government may withdraw the initiative submitted by them until the day on which the holding of the referendum is ordered.

27. § (1) The resolution of the National Assembly to order the referendum shall contain the final question for referendum and it shall provide for the budget of the referendum. The question shall be asked in the 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 of Hungary. The Speaker of the National Assembly shall inform the President of the Republic about the ordering of the referendum.

8. Legal remedies

28. § (1) There shall be a deadline of five days for submitting and adjudging legal remedy requests relating to the collection and verification of signatures. If the last day of the deadline does not fall on a working day, the deadline shall expire on the next working day.

(2) To adjudge any objection regarding the collection of signatures shall fall within the competence of the National Election Commission.

29. § (1) Any judicial review request against a decision of the National Election Commission relating to the certification of the question shall be addressed to the Curia, but submitted to the

National Election Commission in such a way that it is received by the National Election Commission within fifteen days after the publication of the resolution. If the last day of the deadline does not fall on a working day, the deadline shall expire on the next working day.

(2) The National Election Commission shall send the judicial review request to the Curia within five days after its reception.

30. § (1) The Curia shall adjudge the judicial review request within ninety days. The Curia shall uphold or alter the resolution of the National Election Commission. The decision of the Curia shall not be subject to further legal remedy.

(2) The Curia shall adjudge the judicial review request submitted against the resolution of the National Election Commission to reject the initiative within thirty days. The Curia shall either uphold the resolution of the National Election Commission to reject the initiative or instruct the National Election Commission to conduct a new procedure. The decision of the Curia shall not be subject to further legal remedy. Where the Curia instruct the National Election Commission to conduct a new procedure, the National Election Commission shall take a decision as to certify or refuse to certify the question within thirty days beginning with the date on which the Curia's decision was taken.

(3) The resolution of the Curia shall be published within eight days in the Official Gazette of Hungary and, on the day on which it is taken, on the website of the Curia.

(4) Where the Curia uphold the decision of the National Election Commission to refuse to certify the question – including the decision to reject the initiative –, it shall – as a derogation from subsection (3) – publish a notice in the Official Gazette of Hungary within eight days, which shall contain

a) the number of the resolution of the Curia,

b) the number of the resolution of the National Election Commission and the fact that it has been upheld, and it shall inform that

c) the resolution of the Curia can be viewed on the website of the Curia.

9. The binding force of the referendum

31. § (1) If the referendum leads to an obligation to adopt a law, the National Assembly must adopt that law in compliance with the outcome of the referendum valid and conclusive within a period of one hundred and eighty days beginning with the date on which the referendum was held.

(2) The outcome of the referendum shall be binding on the National Assembly for a period of three years, beginning with the date on which the referendum was held, or – if the referendum leads to an obligation to adopt a law – beginning with the date on which the law was promulgated.

Chapter III

Initiating a local referendum

10. The subject-matter of the local referendum

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

(2) There shall be no local referendum held

a) on the budget and on the annual accounts,

b) on the local taxes,

c) on matters relating, to the staff, and to the structuration of organisation, falling within the competence of the body of representatives, and

d) on the announcement of the dissolution of the body of representatives.

33. § The body of representatives must order a local referendum in any matter for which a law or a local government decree prescribes the holding of a local referendum.

34. § (1) A local referendum may be initiated

a) by one quarter of the members of the body of representatives,

b) by the body of representatives' committee,

- c) by electors whose number is specified in a local government decree; this number shall not be less than ten per cent of the electors and shall not exceed twenty-five per cent of the electors.
(2) The body of representatives must order a local referendum if that referendum was initiated by a number of electors as specified in a local government decree of that body of representatives.

11. The organiser of an electors' initiative

35. § (1) An electors' initiative for calling a local referendum may be organised
a) by a private individual who has the right to vote at the election of municipal representatives and mayors,
b) by a political party,
c) by another association as regards any question in connection with the purpose set out in the deed of foundation of that association.
(2) An initiative may have several organisers. In such a case the organisers shall designate a person to liaise between them and the election bodies.

12. Submission of the question proposed for a local referendum

36. § (1) Before commencing the collection of signatures the organiser shall submit – on a template of the signature sheet – the question proposed for local referendum to the local election commission for certification of that question.
(2) On a signature sheet there may be one question.
(3) When submitting the question, the private individual organiser shall give his name, home address and personal identification number to the local election commission. The local election office shall verify in the central electoral register whether the organiser has the right to vote.
(4) Any other association shall attach its deed of foundation as well when submitting a question. The local election office shall verify the existence of the party or other association in question and the correctness of their data based on the court register of non-governmental organisations.
(5) The members of the body of representatives and the body of representatives' committee shall submit to the local election commission the question proposed for the local referendum initiated by them for certification of that question.
(6) The question may be submitted in person or by mail.
(7) The date of submission is the date on which the local election office receives the question.
37. § On the working day after the day of submission of the question, the local election office shall publish the question submitted, the date of its submission and the name of the organiser.
38. § (1) After the submission of the question, no other question with the same content shall be submitted
a) within sixteen days following the rejection, by virtue of subsection (1) of section 40, by the head of the local election office if no re-submission was made,
b) until the decision to refuse the certification of the question becomes final,
c) until the local referendum initiative is withdrawn,
d) until the deadline for the submission of signature sheets expires inconclusively,
e) until the resolution to refuse to order the holding of the local referendum becomes final,
f) until the day on which the local referendum is held, or
g) until the expiry of the period under subsection (2) of section 60.
(2) For any case falling within paragraphs a)-e) of subsection (1), and within thirty days following the date mentioned in those paragraphs, no question with the same content shall be submitted by the same organiser, or by the same initiator falling under paragraphs a) and b) of subsection (1) of section 34.
(3) Two questions shall be considered as having the same content if they would impose wholly or partly identical, or mutually exclusive, obligations on the body of representatives.
39. § (1) The question proposed for a local referendum shall be worded in such manner that it allows a straightforward response, and permits the body of representatives to decide – on the basis of the outcome of the local referendum – whether it has the obligation to make a decision, and if so, what kind of a decision.

(2) The question proposed for a local referendum shall not contain any obscene expression or any other expression shocking in any other way.

13. Certification of the question

40. § (1) Where an initiative is obviously contrary to the constitutional purposes of the legal institution of the local referendum, or it does not comply with the conditions set out in sections 35, 36 and in subsections (1) and (2) of section 38, and where the signature sheet does not comply with the statutory requirements, the head of the local election office shall reject, by means of a resolution, the question within five days after its submission, and shall not lay it before the local election commission. As to the content and the publication of the resolution to reject the question, sections 46, 47, subsection (3) of section 48 and section 50 shall apply.

(2) The resolution of the head of the local election office shall not be subject to legal remedy – the organiser, however, can re-submit his question. Certification of the question re-submitted must be put on the agenda of the local election commission.

(3) Where the organiser re-submits the question within fifteen days after the publication of the resolution of the president of the local election office to reject the question, the date of the first submission shall be considered as the date of the submission in pursuance of section 38.

41. § (1) The local election commission shall take a decision as to certify or refuse to certify the question within thirty days after the submission of that question. The local election commission certifies the question if it satisfies the conditions of this Act with respect to the question.

(2) The question submitted by the organiser may only be certified if the signature sheet meets the statutory prescriptions.

42. § The local election commission shall publish within eight days its resolution to certify the question in the official journal of the local government or in accordance with the established local practice.

43. § (1) Within five days following the inconclusive expiry of the deadline for legal remedy against the decision to certify the question, or – in the case of a legal remedy – within five days following the communication – to the local election commission – of the decision of a county court to uphold the certification or to certify the question, the head of the local election office shall affix a certification clause to the template of the signature sheet, and shall hand it over to the organiser. The handing over of the signature sheet shall be conditional on the organiser notifying the data protection register of the processing of data.

(2) Within five days following the inconclusive expiry of the deadline for legal remedy against the decision to certify the question submitted by the members of the body of representatives or by its committee, or – in the case of a legal remedy – within five days following the publication of the decision of a county court to uphold the certification or to certify the question, the head of the local election commission shall notify the mayor about the certification of that question.

14. Collection of signatures

44. § (1) An electors' initiative for a local referendum may be supported by means of the copy of the template signature sheet affixed with the certification clause. No signature of support can be withdrawn.

(2) On the signature sheet, along with the personal signature of the elector and in order to ensure the verification of his signature, his family name and his first name as well as his personal identification number and his mother's name must be written in a legible form. These data relating to the elector must appear on the same page as the question.

(3) On the signature sheet the person collecting the signatures shall indicate his name, his personal identification number and he shall sign the signature sheet.

(4) An elector may support the initiative by a single signature, his further signatures shall be invalid.

45. § (1) With the exception mentioned in subsection (2), signatures may be collected anywhere without harassing the electors.

(2) No signature shall be collected

- a) at the workplace of the person collecting or providing the signature during working hours, or while one or the other is fulfilling his or her obligations to perform work arising from employment or other legal relation concerning performance of work,
- b) from persons in service in the Hungarian Armed Forces or a central administration body at their service post or while they are performing their duty,
- c) on means of public transport,
- d) in the official premises of state, local governments and minority self-government bodies,
- e) on the premises of healthcare providers,
- f) in higher education and public education institutions.

(3) Advantages shall not be granted or promised to electors for giving their signature. Electors giving their signature shall not ask for or accept an advantage or a promise of an advantage in return for giving their signature.

46. § Signatures collected in a manner that does not satisfy section 44, or in breach of the provisions set out in section 45, shall be invalid.

15. Verification of signatures

47. § (1) Within thirty days after that the certification clause has been affixed to the template of the signature sheet, the organiser may submit the signature sheets of the citizens' initiative for calling a local referendum to the local election commission on one occasion for the signatures to be verified.

(2) Signatures on sheets that are submitted with delay or additionally or not by the organiser shall be invalid.

48. § After the submission of the signature sheet, the organiser cannot withdraw the referendum initiative.

49. § (1) The local election commission shall oversee the verification of the signatures. Signatures on signature sheets submitted in compliance with subsection (2) of section 47, and signatures collected in breach of section 45, shall not be verified by the local election commission.

(2) When verifying the signatures, compliance with the requirements as set out in section 44 shall be examined, the citizens giving their signatures shall be identified, the fact whether these citizens have the right to vote shall be established, and the number of valid signatures shall be stated.

(3) The identification of the citizen giving his signature for the initiative, and the statement whether he has the right to vote, shall be done by comparing the data on the signature sheet relating to him with the data in the central electoral register.

(4) The itemized verification of the signatures must continue until it becomes ascertained that the number of valid signatures attains or does not attain the number of electors necessary for initiating a local referendum.

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

(6) The verification of the signatures shall be carried out within forty-five days after the date of the submission of the signature sheets.

50. § Where the number of valid signatures attains the number necessary for initiating a local referendum, the result of the verification of the signatures shall be notified – within eight days after that the resolution stating it has become legally final – by the head of the local election commission to the mayor.

16. Protection of personal data

51. § (1) Particulars on the signature sheet relating to the elector and to the person who collects the signatures shall not be public, and no copies shall be made thereof with the exception of the technical records kept by the body verifying the signatures for the purpose of establishing whether the signatures are valid or not.

(2) Particulars relating to the elector and to the person collecting the signatures, and the technical records, may only be verified by the election bodies and the county courts.

(3) The organisers shall destroy the non-submitted signature sheets within three days after the expiry of the deadline for their submission, and shall make a record of it. The record shall be handed over to the local election commission within three days.

(4) The signature sheets submitted and the technical records shall be destroyed by the local election office between the thirtieth and the forty-fifth day after the day on which the number of the valid signatures was determined.

(5) Personal data relating to the organiser shall be treated by the election bodies and the county courts for the purpose of, verifying the entitlement to the submission of the initiative, and of liaising. These data – with the exception of the data published under section 37 – shall be deleted

a) between the thirty-fifth and the fortieth day after the date mentioned in paragraphs a)-e) of subsection (1) of section 38,

b) within five days after the adjudgment of the legal remedy where the legal remedy submitted was related to the prohibition specified in subsection (2) of section 38, or

c) within five days after that the resolution ordering the holding of the referendum has become legally final.

17. Ordering the local referendum

52. § The mayor shall announce the initiative in line with the legal requirements at the session of the body immediately following the receipt of the notification complying with subsection (2) of section 43, or section 50.

53. § The body of representatives shall take a decision as to the ordering of a local referendum within thirty days following the announcement made under section 52.

54. § The body of representatives' committee and its members may withdraw the initiative submitted by them until the day on which the holding of the referendum is ordered.

55. § (1) The resolution of the body of representatives to order the local referendum shall contain the final question for referendum and it shall provide for the budget of that referendum. The question shall be asked in the local referendum in the form in which it was worded in the initiative.

(2) The resolution to order the local referendum shall be published in the official journal of the local government and in accordance with the established local practice. The mayor shall inform the head of the local election commission about the ordering of the local referendum.

18. Legal remedies

56. § (1) There shall be a deadline of five days for submitting and adjudging legal remedy requests relating to the collection and verification of signatures. If the last day of the deadline does not fall on a working day, the deadline shall expire on the next working day.

(2) To adjudge any objection regarding the collection of signatures shall fall within the competence of the local election commission. Any appeal against a resolution of the local election commission shall be adjudged by the territorial election commission.

57. § (1) Any judicial review request against a decision of the local election commission relating to the certification of the question shall be addressed to the county court, but submitted to the local election commission in such a way that it is received by the local election commission within fifteen days after the publication of the resolution. If the last day of the deadline does not fall on a working day, the deadline shall expire on the next working day.

(2) The local election commission shall send the judicial review request to the county court within five days after its reception. If the request is directly submitted to the county court, the court shall inform the local election commission without delay.

(3) The county court shall adjudge the judicial review request within thirty days. The court shall either uphold or alter the resolution of the local election commission. The decision of the county court shall not be subject to further legal remedy.

58. § (1) The judicial review request, laid against a resolution of the body of representatives to order a local referendum or to reject to order a local referendum that should be compulsorily ordered, shall be addressed to the county court, but submitted to the local election commission

in such a way that it is received by the local election commission within fifteen days after the publication of that resolution.

(2) The local election commission shall send the judicial review request to the county court within five days after its reception. The head of the local election commission shall inform the mayor about the submission of the judicial review request without delay.

(3) In the procedure specified in subsection (1) the county court shall carry out an examination as to the substance of the resolution only if, in the period between the certification of the signature sheet and the ordering of the local referendum, such an important change has occurred in the circumstances that could not be taken account of by the local election commission when taking its decision relating to, the certification of the question, or to the decision concerning the judicial review, or which could not be taken account of by the county court during the procedure under section 57, and which could influence the decision as to its substance. The county court shall not examine, as to its substance, any judicial review request in which the petitioner references concerns about the content of the question and about constitutionality in connexion with the certification.

(4) The county court shall adjudge the judicial review request within thirty days. The court shall, either uphold the resolution of the body of representatives, or annul it and instruct the body of representatives to adopt a new resolution.

19. The binding force of the local referendum

59. § The local referendum is considered to be valid if more than half of the electors have voted validly, and is considered to be conclusive if more than half of the electors voting validly have given the same answer to the question.

60. § (1) The body of representatives – if the local referendum leads to an obligation to make a decision – is obliged, to make a decree, or to make a resolution, in compliance with the outcome of that local referendum valid and conclusive within a period of one hundred and eighty days beginning with the date on which the local referendum was held.

(2) The outcome of the local referendum valid and conclusive shall be binding on the body of representatives for a period of one year, beginning with the date on which the local referendum was held, or – if the referendum leads to an obligation to make a decree –, beginning with the date on which the decree was promulgated.

20. Referendums on the territorial level

61. § (1) The provisions of this Chapter shall apply mutatis mutandis to the county-level and capital-level local referendums.

(2) The competence established in this Chapter for the local election commission shall be exercised by the territorial election commission, the competence established for the territorial election commission shall be exercised by the National Election Commission, and the competence established for the local election office and its head shall be exercised by the territorial election office and its head.

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

Chapter IV

The European citizens' initiative

62. § Subsections (1) and (3) of section 16 and the provisions of section 28 shall apply to the European citizens' initiative.

63. § The delivery of the certification of the online collection system, the verification of the statements of support and the delivery of the certification containing the number of valid statements of support fall within the competence of the National Election Commission.

64. § (1) When verifying the signatures it shall be examined whether the statements of support meet the formal requirements, the citizen giving his signature for the statement of support shall be identified, it shall be established whether the person in question is a European citizen who has attained adult age, it shall also be established whether the citizen had attained the legal age of the country of his nationality – entitling him to vote at the election of Members of the European Parliament – when he signed the statement of support, and furthermore, the number of valid statements of support shall be established.

(2) The identification of the citizen giving his signature for the statement of support shall be done by comparing the data on the signature sheet relating to him, with the data of the records of citizens' personal data and addresses or, if necessary, with the data of the records of travel documents and personal identity card.

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

Chapter V

Procedure on national referendums

65. § In the process of a national referendum, the provisions of, subsection (2) of section 244 of the Ve., section 245 of the Ve., subsections (1) and (3) of section 247 of the Ve., sections 250 and 251 of the Ve., subsection (2) of section 256 of the Ve., subsection (3) of section 257 of the Ve., subsection (1) of section 258 of the Ve., sections 259-270. of the Ve., subsection (2) of section 271 of the Ve., sections 272-274. of the Ve., subsections (1) and (2) of section 275 of the Ve., sections 277-281. of the Ve., sections 283-285. of the Ve., sections 288-291. of the Ve., and sections 293, 297 and 298 of the Ve., shall apply with the derogations set out in this Chapter.

66. § During the voting, or when determining the result, or in legal remedy processes, each question asked in the referendum shall be considered separately.

21. Calling a national referendum

67. § (1) The President of the Republic shall fix the date of the referendum within fifteen days after the inconclusive expiry of the deadline for legal remedy against the parliamentary resolution ordering the referendum, or – in the case of a legal remedy – after the adjudgment of that legal remedy.

(2) The referendum may be called even if

a) a referendum has been previously called by the President of the Republic for another question, and

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

c) the holding on the same date of the referendum on the new question does not jeopardize the legal conduct of the voting.

(3) No national referendum shall be called on the day of the general election of, Members of Parliament, Members of the European Parliament, municipal representatives and mayors, and within a period of forty-one days before and forty-one days after that day. If, in consequence of this, the national referendum cannot be called, the national referendum shall be called within a period of 131 days after the election.

(4) The resolution ordering the referendum and calling the date of the referendum shall be published in the Official Gazette of Hungary.

22. The election bodies

68. § (1) Organisations organising the initiative but not having any political group in Parliament may appoint a common member to the National Election Commission.

(2) The organisers of the initiative may appoint a common member to a parliamentary single-member constituency election commission. Political parties not involved in the organisation of the initiative but having their respective groups in Parliament may appoint one member each.

(3) The organisers of the initiative may appoint two common members to a ballot counting commission and to the local election commission in settlements with one polling district. Political parties not involved in the organisation of the initiative but having their respective groups in Parliament may appoint two members each.

(4) The organisers of the initiative and the parties not involved in the organisation of the initiative but having their respective groups in Parliament may appoint observers to foreign representations within the meaning of section 5 of the Ve.

(5) The organisers of the initiative and the parties not involved in the organisation of the initiative but having their respective groups in Parliament are eligible to appoint observers under subsection (2) of section 245.

23. The referendum campaign

69. § During a national referendum campaign period, political advertisements may be published by the organisers of the initiative and by political parties not involved in the organisation of the initiative but having their respective groups in Parliament. As to the publishing of political advertisements, the rules governing the election of Members of the European Parliament shall apply.

24. Supplying data from the electoral register

70. § (1) The name and address of voters in the polling district electoral register – while observing the provisions of section 89 of the Ve. – shall be supplied by the National Election Office on request, to the organisers of the initiative, and to political parties not involved in the organisation of the initiative but having their respective groups in Parliament, within five days but not earlier than the fiftieth day before the day of the referendum.

(2) Supplying data shall be conditional on the organisers of the initiative and on the parties having their political groups in Parliament providing proof of the payment of the tenfold amount of the monthly minimum wage as data supply fee to the account of the National Election Office.

25. Content of the ballot paper

71. § (1) On a ballot paper there may be only one question.

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

- a) the text „ballot paper”,
- b) a space marked for stamping in the top left corner,
- c) the name „national referendum”,
- d) the day of the national referendum,
- e) the indication that there may only be one valid vote for a question,
- f) the question asked in that referendum,
- g) the options 'Yes' and 'No',
- h) a circle for the vote mark,
- i) information on the formal requirements for a valid vote.

(3) The content of the ballot paper shall be approved by the National Election Commission not later than forty-five days before the date of the poll.

26. Voting package

72. § Postal ballot papers shall be valid without a stamp.

27. Forwarding votes

73. § Unsealed envelopes found in a ballot box that arrived from a foreign representation shall be considered votes not cast and shall be packed separately.

28. The process of voting

74. § When applying the provisions of section 186 of the Ve., for „candidate” substitute „answer”.

29. Counting the ballots

75. § When applying the provisions of sections 193, 195 and 197 of the Ve., for „candidate” substitute „answer”.

76. § Votes cast at foreign representations shall be counted by the National Election Office under the supervision of the National Election Commission. The counting shall not start before 19.00 o'clock on the day of voting.

30. Determining the result of the election

77. § (1) A copy of the polling district record prepared on the result of the vote shall be submitted by the local election office to the National Election Office.

(2) The National Election Commission shall determine the result of the election on the basis of

- a) the polling district records,
- b) the record on the results of voting at foreign representations, and
- c) the record on the result of the postal voting.

78. § When determining the result of the referendum, during the examination into the fulfilment of the condition of validity as enshrined in subsection (4) of Article 8 of the Fundamental Law, it is the number of voters included in the central electoral register on the day of the voting and entitled to participate in the referendum that shall be taken account of.

31. Legal remedies

79. § (1) In the process of a national referendum there shall be a deadline of five days for submitting and adjudging legal remedy requests. If the last day of the deadline does not fall on a working day, the deadline shall expire on the next working day.

(2) Objections relating to the participation in election campaigns of media content providers, the press and cinemas shall be adjudged by the National Election Commission. Objections relating to regional and local press products and press products distributed via on-demand media services or distributed in an area smaller than the whole country shall be adjudged by the parliamentary single-member constituency election commission at the seat or address of the media content provider.

(3) In the application of section 233 of the Ve. there shall be a deadline of five working days for submitting constitutional complaints and for the Constitutional Court to take a decision.

Chapter VI

Procedure on local referendums

80. § During the voting, or when determining the result, or in legal remedy processes, each question asked in the local referendum shall be considered separately.

32. Calling a local referendum

81. § (1) The local election commission shall fix the date of the local referendum within fifteen days after the inconclusive expiry of the deadline for legal remedy against the body of representatives' resolution ordering the local referendum, or – in the case of a legal remedy – after the adjudgment of that legal remedy.

(2) The local referendum shall be called so that the day of the vote falls between the seventieth and the fiftieth day after the day of the calling.

(3) The calendar dates of the deadlines of the procedure on the local referendum shall be determined by the local election commission in their resolution calling that local referendum.

(4) The resolution to call the local referendum shall be published in the official journal of the local government and in accordance with the established local practice.

33. The costs of the local referendum procedure

82. § The costs associated with the preparation and the conduct of local referendums as well as other costs arising in connection with the activities of the election bodies shall be financed out of the local government's budget.

34. The election bodies

83. § (1) The following election commissions shall operate at a local referendum:

- a) the ballot counting commission,
- b) the local election commission,
- c) the territorial election commission,
- d) for matters relating to the capital or the counties, the National Election Commission.

(2) The organisers of the initiative may appoint a common member to each local election commission, and – for matters in relation with the capital or the counties – to each territorial election commission. The organisations not involved in the organisation of the initiative but having their respective groups in the body of representatives may appoint, each, one member to each local election commission, and – for matters in relation with the capital or the counties – to each territorial election commission.

(3) The organisers of the initiative may appoint two common members to each ballot counting commission, and to the local election commission in settlements with one polling district. The organisations not involved in the organisation of the initiative but having their respective groups in the body of representatives may appoint, each, two members to each ballot counting commission, and to the local election commission in settlements with one polling district.

35. Voter information

84. § (1) Local election offices shall notify voters who are enlisted in the polling district no later than 30 days before the voting about their entry into the polling district electoral register.

(2) Notifications shall be sent to the voter's contact address, or, if there is no contact address, their address, no later than 20 days before the voting.

36. Content of the ballot paper

85. § (1) On a ballot paper there may be only one question.

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

- a) the text „ballot paper”,
- b) a space marked for stamping in the top left corner,
- c) the name „local referendum”,
- d) the day of the local referendum,

- e) the indication of the settlement, county or capital
 - f) the indication that the vote is valid only if only one question is answered,
 - g) the question asked in that referendum,
 - h) the options 'Yes' and 'No',
 - i) a circle for the vote mark,
 - j) information on the formal requirements for a valid vote.
- (3) The content of the ballot paper shall be approved by the local election commission no later than thirty days before the date of the poll.

37. The process of voting

86. § When applying the provisions of section 186 of the Ve., for „candidate” substitute „answer”.

38. Counting the ballots

87. § When applying the provisions of sections 193, 195 and 197 of the Ve., for „candidate” substitute „answer”.

39. Determining the result of the election

88. § The local election commission shall determine the result of the local referendum on the basis of the records kept by the ballot counting commissions.

40. Legal remedies

89. § (1) In the process of a national referendum there shall be a deadline of five days for submitting and adjudging legal remedy requests. If the last day of the deadline does not fall on a working day, the deadline shall expire on the next working day.

(2) Objections relating to the local referendum shall be adjudged by the local election commission. Any appeal against a resolution of the local election commission shall be adjudged by the territorial election commission.

41. Procedure on territory-level local referendums

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

(2) The competence established in this Chapter for the local election commission shall be exercised by the territorial election commission, the competence established for the territorial election commission shall be exercised by the National Election Commission, and the competence established for the local election office and its head shall be exercised by the territorial election office and its head.

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

Chapter VII Final provisions

42. Authorising provisions

91. § The Minister responsible for regulating elections and referendums is authorised to specify by decree

- a) the detailed rules on the execution of tasks falling within the competence of election offices,
- b) the forms to be used in the course of national and local referendums when initiating national or local referendums,
- c) the calendar dates of the deadlines of the procedure on national referendum,
- d) the data to be covered by national referendum result summaries,
- e) the flat rates of national referendum costs, items and related expense reporting and internal audit procedures,
- f) the remuneration paid, in the course of national referendums, to members of election commissions – with the exception of the National Election Commission – and to members of election offices,
- g) the documents accepted as proof that a person acting as the representative of a media content provider is doing so with authorisation,
- h) the detailed rules on the payment of fines,
- i) the settlements and foreign representations where voters with no Hungarian address may – on their own request – collect the voting package in person,
- j) the detailed rules for government offices of the counties and for the government office of the capital city as regards the carrying out of IT tasks relating to referendums,
- k) the range of the expenses justified and certified – incurred by the elected members of National Election Commission – in connection with the operation of the National Election Commission and the rules as regards the reimbursement of those expenses.

92. § The body of representatives of the local government is authorised to specify by decree the number of electors necessary for initiating a local referendum.

43. Enacting provision

93. § (1) This Act shall enter into force – with the exception mentioned in subsection (2) – on the day of the calling of the general election in 2014 of Members of Parliament.

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

(3) A resolution stating the fulfilment of the condition mentioned in subsection (1) shall be published by the Minister responsible for regulating suffrage and referendums.

44. Transitional provisions

94. § The provisions of this Act providing for the amendment of Act CCXXXVIII of 2013 on initiating referendums, the European citizens' initiative and referendum procedure and stated by Act XLVIII of 2016 (hereinafter referred to as 'Módtv.') shall not apply in the case of a referendum initiative which is being submitted at the time of the entry into force of Módtv. and which contains a question having the same content and which has been certified in a legally final way.

45. Compliance with the requirement of the Fundamental Law regarding cardinal legislation

95. § Pursuant to

- a) Article IX(3) of the Fundamental Law, section 69,
- b) Article 24(9) of the Fundamental Law, section 79(3), section 98 and section 101(3),
- c) Article XXIX(3) of the Fundamental Law, section 99,

d) Articles 2(1) and 35(1) of the Fundamental Law, section 102 f) of this Act shall be considered cardinal.

46. Provision about EU requirements concerning legislation

96. § Chapter IV shall establish provisions necessary to the carrying out of, Article 15, section 97 shall establish provisions necessary to the carrying out of, Article 14, of the 16 February 2011 Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative.

47. Amending provisions

97. § Section 350 of the Act C of 2012 on the Criminal Code and the subtitle preceding it shall be replaced by the following provision:

„Criminal offences related to elections, referendums, and the European citizens' initiative

350. § (1) Any person who, in the course of elections, referendums, or the European citizens' initiative, held under the Act on Electoral Procedure or the Act on Initiating Referendums, the European Citizens' Initiative and Referendum Procedure:

- a) obtains recommendations by violating the rules of nomination, by force or threat of force, deception or by offering financial benefits,
- b) obtains signatures for holding a referendum or a European citizens' initiative by force or threat of force, deception or by offering financial benefits,
- c) votes without entitlement,
- d) signs without entitlement, indicates false data,
- e) obstructs any voter from participating in the election, referendum, referendum initiative or the European citizens' initiative by force, threat of force or deception, or makes any attempt to influence such person by offering financial benefits,
- f) infringes upon the secrecy of the election or referendum,
- g) falsifies the result of the election, referendum, referendum initiative or the European citizens' initiative,
- h) receives financial benefits in the nomination process for being recommended, or for his signature in support of a referendum or the European citizens' initiative,
- i) demands financial benefits for his vote, and receives financial benefits therefor, is guilty of an offence punishable by imprisonment not exceeding three years.

(2) Any person who, in the process of registration of candidacy in elections of representatives of national minority self-governments makes a false statement in connection with his previous candidacy for a national minority self-government representative's function shall be punishable in accordance with subsection (1).”

98. § Section 65 of the Act CLI of 2011 on the Constitutional Court shall be replaced by the following provision:

„65. § (1) The Constitutional Court shall pass a decision on the merits to adjudicate the application, and decide about those issues that necessarily come up in the course of the proceedings.

(2) In a resolution under subsection (1) of section 33, the Constitutional Court shall either uphold the resolution of the National Assembly or annul it and instruct the National Assembly to adopt a new resolution.”

99. § Subsections (3)-(5) of section 148 of the Act CLXXIX of 2011 on the Rights of National Minorities shall be replaced by the following provision:

„(3) If a national minority other than those listed in Appendix No. 1 wishes to certify that they meet the relevant conditions, minimum one thousand electors declaring themselves as belonging to the national minority concerned and having the right to vote at the election of municipal representatives and mayors and forming part of that national minority may initiate that the national minority be declared an ethnic group native to Hungary. During the procedure, provisions of the Act on Initiating Referendums, the European Citizens' Initiative and Referendum Procedure

relating to the initiation of national referendums shall apply with the exceptions mentioned in subsections (4) and (5).

(4) The above initiative may be organised by electors who may be elected at the election of municipal representatives and mayors.

(5) In the course of its procedure, the National Election Commission shall seek the opinion of the president of the Hungarian Academy of Sciences with respect to the existence or not of the statutory conditions.”

100. § Section 36d) of Act XX of 1996 on the methods of identification replacing the personal identification sign and on the use of identification codes (hereinafter Szaz.tv.) shall be replaced by the following provision:

(Is entitled to forward the personal identification number:)

„d) any organiser of a referendum initiative, or of a European citizens’ initiative, when handing over the signatures collected to the National Election Commission or to the local election commission.”

101. § (1) In section 23a) of Act LXVI of 1992 on keeping records of the personal data and address of citizens, the text „on popular initiatives” shall be replaced by the text „on the European citizens’ initiative”.

(2) In section 32g) of the Szaz.tv. the text „in Acts and local government decrees on referendums and popular initiatives” shall be replaced by the text „in the Act on initiating referendums, the European citizens’ initiative and the procedure relating to referendums”, and in section 36f) of the Szaz.tv. the text „the popular initiative” shall be replaced by the text „the European citizens’ initiative”.

(3) In section 33(1) of Act CLI of 2011 on the Constitutional Court, the text „on the petition of anyone” shall be replaced by the text „on the petition of anyone within thirty days”.

48. Repealing provisions

102. § a) Chapter IV and section 117 of Act LXV of 1990 on local governments,

b) the text „and in the Act on population census” in section 32g) of the Szaz.tv., section 32m) of the Szaz.tv., the text „popular initiative” in section 34(1) of the Szaz.tv., section 36n) of the Szaz.tv.,

c) Act III of 1998 on national referendums and popular initiatives,

d) the text „the popular initiative” in section 16(1) of Act XIX of 1998 on criminal procedure,

e) the text „and popular initiative” in paragraph a) of section 10(2) of Act LXXX of 2007 on asylum, and

f) section 9 of the Ve.

shall be repealed.