

Act CXIII of 2003

on the election of the Members of the European Parliament

The accession of Hungary to the European Union requires the National Assembly to lay down the rules for filling the seats allocated in the European Parliament to the Members from Hungary, which grant suffrage to the citizens of other Member States of the European Union that have domicile in Hungary at the elections of Members of the European Parliament. Therefore, the National Assembly adopts the following Act:

Section 1 This Act shall apply to filling the seats allocated in the European Parliament to the Members from Hungary.

Chapter I

ELECTION

Section 2 (1) Election shall take place using the proportional electoral system and by list voting.

(2) For the election, the territory of Hungary shall constitute a single constituency.

Section 2/A (1) In the election of the Members of the European Parliament, persons with domicile in Hungary shall have the right to vote and to stand as a candidate.

(1a) In the election of the Members of the European Parliament, also those Hungarian nationals shall have the right to vote who

a) are voters living in Hungary without having an address,

b) have their domicile outside the territory of the European Union.

(2) A person who is serving, under a final and binding judgment, a sentence of imprisonment or subjected to compulsory psychiatric treatment in an institute ordered in a criminal proceeding shall not be eligible to stand as a candidate at the election of the Members of the European Parliament.

Suffrage

Section 3 (1) The exercise of suffrage shall be based on a decision freely taken by the voter.

(2) A voter may exercise suffrage only in one Member State of the European Union.

Section 4 In Hungary the following my exercise suffrage in the election of the Members of the European Parliament:

a) every Hungarian voter who did not notify another Member State of the European Union of his intention to exercise suffrage there, and

b) every voter from other Member States of the European Union who makes a statement that he intends to exercise suffrage in Hungary,

provided that he provides evidence of his domicile in Hungary.

Nomination

Section 5 (1) A list may be drawn up by a political party registered under the Act on the operation and financial management of political parties. Two or more political parties may draw up a joint list. A political party may draw up only one party list, whether independently or jointly. The list shall include candidates in the order in which they were notified by the party or parties.

(2) Drawing up a list shall be subject to recommendations by at least 20 000 voters certified by their signatures.

(3)

Section 6 A voter may be included in only one list as candidate.

Voting

Section 7 A voter may cast his votes for one list.

Establishing the election result

Section 8 (1) The number of mandates that can be won shall be equal to the number of seats allocated in the European Parliament to the Members from Hungary.

(2) Only those lists shall be taken into account for allocating the mandates and may be allocated mandates for which the number of votes cast exceeds 5% of the total valid votes cast for all lists

(3) For allocating the mandates, a table shall be drawn up where a column of numbers shall be inserted under the name of every list that can be allocated mandates under paragraph (2). The first number in the column shall be the number of the votes cast for the particular list, the second number shall be half of the number of the votes cast for the particular list, the next one shall be one third, then one fourth, one fifth, etc. The column of numbers under a list may not include more numbers than the number of candidates nominated in the list.

(4) The list the column of which contains the highest number in the table shall receive one mandate. Next, the list the column of which contains the next highest number shall receive one mandate. The same proceedings shall be followed until every mandate is allocated.

(5) If the columns of two or more lists contain the same number and this number would allocate a mandate to the lists concerned, but the number of mandates which can be won is lower than the number of the lists concerned, mandates shall be allocated in the order of the serial numbers of the lists.

Section 9 Mandates shall be allocated to the candidates on a list in the order in which they were originally notified by the political party.

Filling a vacancy

Section 10 (1) If the mandate of a Member who won a seat terminates, a new mandate shall be allocated to the candidate that the political party concerned designates from among those originally included in the list, or, in the absence thereof, to the next candidate on the list.

(2) If there are no more candidates left on the list, the mandate shall be allocated to the list to which the next mandate would have been allocated in accordance with the provisions of section 8 (4) and (5). On this list, the mandate shall be allocated to the candidate under paragraph (1).

Chapter II

AMENDED PROVISIONS

Sections 11 to 14

Section 15

Section 16

Section 17

Sections 18 to 23

Section 24 (1)

(2)

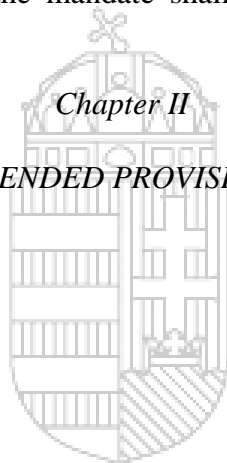
Sections 25 to 26

Sections 27 to 28

Sections 29 to 31

Sections 32 to 35

Sections 36 to 42



MINISTRY OF JUSTICE
HUNGARY

Chapter III

FINAL PROVISIONS

Entry into force

Section 43 (1) With the exceptions specified in paragraphs (2) and (3), this Act shall enter into force on the 8. day following its promulgation.

(2) to (3)

(4) to (5)

Transitional provisions

Section 44 In preparation of the elections to the European Parliament, the nationals of the states that are not yet members of the European Union, but, considering their accession, can already participate in the elections to the European Parliament, shall be considered as if they were nationals of the Member States of the European Union.

Section 45

Sections 46 to 50

Compliance with the requirement of the Fundamental Law on cardinality

Section 50/A Section 2/A qualifies as cardinal on the basis of Article XXIII (4) of the Fundamental Law.

Reference to the law of the European Communities

Section 51 (1) This Act serves the purpose of compliance with Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not national and Directive 2013/1/EU of 20 December 2012 on the amendment thereof.

(2) This Act contains provisions for the implementation of Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976.

Annex to Act CXIII of 2003