

Act L of 2010

on the election of local government representatives and mayors

Chapter I

GENERAL PROVISIONS

1. Suffrage

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

(2) A voter may vote either at his domicile or, if he established a place of residence beside his domicile by the 30th day before election date is set, at his registered place of residence.

(3) A voter may stand as a candidate in any constituency.

(4) 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 local government representatives and mayors.

2. Interpretative provisions

Section 2 For the purposes of this Act, number of inhabitants means the number of persons whose domicile recorded in the register containing the personal and address data of citizens or, in the absence of domicile, whose place of residence is located on the administrative territory of the given settlement (capital district) or county, or whose domicile comprises the name of the given settlement (capital district) only.

Chapter II

CONSTITUENCIES, POLLING DISTRICTS

Section 3 The number of the members of the representative body of a settlement local government and of a county general assembly shall be determined on the basis of the number of inhabitants as of 1 September of the year preceding the general election of local government representatives and mayors.

Section 4 A settlement with 10 000 or less inhabitants shall constitute a single constituency under a multi-member list electoral system, in which the number of representatives shall be:

a) 2 if the number of inhabitants is not more than 100,

b) 4 if the number of inhabitants is not more than 1000,

- c) 6 if the number of inhabitants is not more than 5000,
- d) 8 if the number of inhabitants is not more than 10 000.

Section 5 (1) In settlements with more than 10 000 inhabitants and in capital districts, representatives shall win their mandate under a mixed electoral system, in single-member constituencies and from compensatory lists.

(2) The number of single-member constituencies and mandates from compensatory list shall be:

- a) 8 mandates from single-member constituencies and 3 mandates from compensatory list if the number of inhabitants is not more than 25 000,
- b) 10 mandates from single-member constituencies and 4 mandates from compensatory list if the number of inhabitants is not more than 50 000,
- c) 12 mandates from single-member constituencies and 5 mandates from compensatory list if the number of inhabitants is not more than 75 000,
- d) 14 mandates from single-member constituencies and 6 mandates from compensatory list if the number of inhabitants is not more than 100 000.

(3) The number of representatives elected in a single-member constituency shall increase by one for each further 10 000 inhabitants, and the number of representatives elected on compensatory list shall increase by one for each further 25 000 inhabitants.

Section 6 (1) Voters shall elect the members of the Budapest-Capital General Assembly from capital lists. For this purpose, the Capital Budapest shall constitute a single constituency.

(2) 32 mandates in the Budapest-Capital General Assembly may be allocated to persons on the capital lists.

Section 7 (1) Voters shall elect county local government representatives from county lists. With respect to the election, each county shall constitute a single constituency that does not include towns with county rights and the capital.

(2) The number of county general assembly representatives shall be determined on the basis of the number of inhabitants of the county as follows:

- a) if the number of inhabitants is not more than 400 000, 1 representative for each 20 000 inhabitants, but at least 15 representatives,
- b) if the number of inhabitants is not more than 700 000, 20 representatives, and 1 representative for each further 30 000 inhabitants above 400 000,

c) if the number of inhabitants is more than 700 000, 30 representatives, and 1 representative for each further 40 000 inhabitants above 700 000,

may be elected.

Chapter III

RECOMMENDATION

Section 8 (1) A voter may recommend multiple candidates or lists per nomination type, but he may accept a nomination only in one settlement and county in which the settlement is located or in one capital district and the capital.

(2) In the multi-member list electoral system, a voter may simultaneously accept no more than one mayor, one multi-member list and one county list candidacy.

(3) In the mixed electoral system, a voter may simultaneously accept

a) no more than one single-member constituency, one compensatory list and one county list candidacy outside the capital,

b) one single-member constituency, one compensatory list and one capital list candidacy in the capital.

c)

(4) In the mixed electoral system, a mayor candidate may simultaneously accept

a) one single-member constituency, one compensatory list and one county list candidacy outside the capital,

b) one single-member constituency, one compensatory list and one capital list candidacy in the capital.

(5) A Capital Mayor candidate may accept only a capital list candidacy.

(6) A voter shall not be a candidate on a county list and in a town with county rights simultaneously. A voter shall not be a candidate on a county list and a mayor candidate in a town with county rights simultaneously.

(7) A nominating organisation may nominate only one candidate in a single-member constituency.

Section 9 (1) A candidate on a multi-member list or in a single-member constituency shall be a person who was recommended by at least 1% of the voters of the constituency concerned.

(2) A nominating organisation may draw up a list in a county constituency if it has gathered recommendations from 0.5% of the voters of the constituency.

(3) A mayor candidate shall be a person who was recommended as a candidate

a) by at least 3% of the voters in a settlement with 10 000 or less inhabitants,

b) by at least 300 voters in a settlement with more than 10 000, but not more than 100 000 inhabitants,

c) by at least 500 voters in a settlement with more than 100 000 inhabitants.

(4) A Capital Mayor candidate shall be a person who was recommended as a candidate by at least 5000 capital city voters.

Section 9/A In a mayoral election and in an election of the members of a settlement local government representative body, a candidate of a national minority organisation within the meaning of the Act on the rights of national minorities or a joint candidate of multiple national minority organisations representing the same national minority shall be a national minority candidate if he

a) is recorded in the national minority electoral register,

b) did not stand for election as a candidate of another national minority in the last two general elections of local government representatives and mayors and national minority self-government representatives and in the following by-elections, and

c) makes a statement that

ca) he is willing to undertake to represent the national minority,

cb) he speaks the language of the national minority community and is familiar with its culture and traditions.

Section 10 (1) In a settlement with more than 10 000 inhabitants, a nominating organisation that nominated candidates in at least two thirds of the single-member constituencies of the settlement may draw up a compensatory list.

(2) A nominating organisation that nominated a Capital Mayor candidate or mayor candidates in at least three of the capital districts may draw up a capital list in Budapest for the election of the members of the Budapest-Capital General Assembly.

(3)

Section 11 (1) Nominating organisations that nominated joint individual candidates in at least two thirds of the single-member constituencies may draw up a joint compensatory list.

(2) Nominating organisations that nominated a joint Capital Mayor candidate or joint mayor candidates in at least three capital districts may draw up a joint capital list.

(3) Nominating organisations that have gathered the joint recommendation of 1% of voters in settlements located in the county constituency, but not less than 2000 voters, may draw up a joint county list.

Section 11/A All national minority candidates standing for election in single-member constituencies shall be included in separate national minority compensatory lists for each national minority, except for those nominated by national minority organisations that drew up individual or joint compensatory lists pursuant to section 10 (1) or section 11 (1).

Chapter IV

SYSTEM OF ELECTION AND ESTABLISHING THE RESULT

1. Election of mayors

Section 12 (1) Voters in settlements shall directly elect the mayor and the Capital Mayor.

(1a) On a ballot paper for an election of mayors or the Capital Mayor, voters may cast their vote for one candidate.

(2) The candidate who received the most valid votes shall be the mayor or the Capital Mayor.

2. Multi-member list electoral system

Section 13 (1) Representatives from a multi-member list shall be the candidates with the highest number of valid votes according to the number of representatives to be elected. In the event of a tied vote, the candidate who wins the mandate from among candidates with an equal number of votes shall be determined by drawing lots.

(2) On a multi-member list ballot paper, voters may cast their votes for not more candidates than the number of multi-member list mandates to be allocated.

(3) If a candidate from the multi-member list is elected mayor, he shall be struck off the multi-member list, and his place shall be taken by the candidate with the next highest number of votes.

3. Mixed electoral system

Section 14 Representative in a single-member constituency shall be the candidate with the highest number of valid votes. On a ballot paper for the election, voters may cast their vote for one candidate.

Section 15 (1) Mandates shall be allocated to the compensatory list and the national minority compensatory list proportionate to the aggregated wasted votes in the constituency.

(2) All votes cast in a single-member constituency for the candidate of a nominating organisation by which no mandate has been won shall constitute wasted votes.

(3) Votes cast on joint candidates that constitute wasted votes shall be allocated to the joint compensatory list of the nominating organisations nominating the joint candidate.

(3a) Votes cast in single-member constituencies on candidates in national minority compensatory lists by which no mandate has been won shall be added to the national minority compensatory list as wasted votes.

(4) The method for compensatory mandate calculation:

a) A table shall be drawn up in which a column of numbers shall be inserted below the name of each list. The first number in the column of numbers shall be the number of votes for the list concerned. The next numbers in the column shall be the number of votes for the list concerned divided by three, five, seven and so on, where the next divisor is the previous divisor plus two.

b) The list the column of which contains the highest number in the table shall receive one mandate. Next, the next highest number shall be established. 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.

c) If multiple equal numbers are found to be the highest in the table, than that list shall receive a mandate that did not yet receive a mandate or that received less mandates or that was given the lower serial number by means of drawing lots.

(5) If a compensatory list or national minority compensatory list receives more mandates than the number of persons on the list, the mandate shall remain unfilled.

Section 16 (1) Mandates from a compensatory list shall be allocated to candidates in the order in which they were notified. If a candidate drops out of the list, his place shall be taken by the next candidate on the list.

(2) A candidate on the compensatory list who is elected mayor or representative in the single-member constituency shall be struck off the compensatory list and his place shall be taken by the next candidate on the list.

(3) The following shall not receive mandate:

a) the compensatory list of the nominating organisation if the candidates of the nominating organisation drawing up the list did not reach five per cent of the compensatory votes aggregated at settlement level, or

b) the joint compensatory list if the joint candidates of the nominating organisations drawing up the joint list did not reach ten per cent or, if the joint compensatory list is drawn up by more than two nominating organisations, fifteen per cent of the compensatory votes aggregated at settlement level.

(4) Mandates from national minority compensatory lists shall be allocated to candidates in the order of the number of votes cast for them in the single-member constituency. Tied votes shall be broken by drawing lots.

(5) Paragraph (3) shall not apply to national minority compensatory lists.

4. Election of the members of the Budapest-Capital General Assembly

Section 17 (1) On a ballot paper for the election of the members of the Budapest-Capital General Assembly, voters may cast their vote for one list.

(2) Mandates shall be allocated to capital lists proportionate to the votes cast for the lists.

(3) The method for mandate calculation:

a) A table shall be drawn up in which a column of numbers shall be inserted below the name of each list. The first number in the column shall be the number of votes cast for the list concerned; the next numbers in the column shall be the number of votes for the list concerned divided by two, three, four, five and so on, where the next divisor is the next whole number.

b) Mandates shall be allocated using the table. The list the column of which contains the highest number in the table shall receive one mandate. Next, the next highest number shall be established. 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.

c) If multiple equal numbers are found to be the highest in the table, than that list shall receive a mandate that did not yet receive a mandate or that received less mandates or that was given the lower serial number by means of drawing lots.

(4) If a capital list receives more mandates than the number of persons on the list, the mandate shall remain unfilled.

Section 18 (1) Mandates shall be allocated to the candidates on a capital list in the order in which they were notified.

(2) If a candidate on the capital list is elected Capital Mayor, he shall be struck off the capital list and his place shall be taken by the next candidate on the list.

(3) The capital list of a nominating organisation or the joint capital list of nominating organisations shall not receive mandate if it did not reach five per cent of the valid votes cast for capital lists.

(4) If a candidate wins a mandate in Budapest both on capital district compensatory list and capital list, he shall specify in a statement made within 3 days from the results of both the capital district compensatory list election and the capital list election becoming final and binding the mandate which he declines; the candidate shall be struck off the list on which he won the mandate he declined.

(5) If any of the mandates referred to in paragraph (4) is won at a later date, the representative shall make a statement within 3 days from the decision establishing that he won the later mandate becoming final and binding on whether he resigns from the mandate he holds as a representative or does not accept the mandate that he won later; the candidate shall be struck off from the list concerned.

5. Election of county general assembly members

Section 18/A On a ballot paper for an election of county general assembly members, voters may cast their vote for one list.

Section 19 (1) Mandates shall be allocated to county lists proportionate to the votes cast, using the calculation method under section 17 (3).

(2) The following shall not receive mandate:

a) the county list of the nominating organisation if it did not reach five per cent of the valid votes cast for county lists, or

b) the joint county list if it did not reach ten per cent or, if the joint county list is drawn up by more than two nominating organisations, fifteen per cent of the valid votes cast for county lists. In this respect, only those valid votes can be aggregated that are cast for joint county lists drawn up by the same nominating organisations.

(3) If a list receives more mandates than the number of persons on the list, the mandate shall remain unfilled.



Chapter V

*RULES ON THE TERMINATION OF THE MANDATE OF REPRESENTATIVES, MAYORS
AND THE CAPITAL MAYOR*

1. By-election

Section 20 (1) The election shall not be held and a date for a by-election shall be set if less candidates stand for election on the multi-member list than the number of representatives to be elected, or there is no candidate for the single-member constituency, or there is no candidate for mayor or for the Capital Mayor.

(2) A date for by-election shall be set if the two or more candidates with the highest number of votes in a single-member constituency have the same number of votes.

(3) A date for by-election shall be set if two or more candidates for mayor or for the Capital Mayor receive equal number of votes representing the highest number of votes.

(4) A date for by-election for vacant representative seats shall be set if the number of representatives elected in a multi-member list election is less than the number set out in this Act.

(5) A date for by-election shall be set if the mandate of a single-member constituency representative or a mayor or the Capital Mayor terminates.

(5a) Where the mandate of a single-member constituency representative who stood for election as a candidate of a nominating organisation terminates and a date for by-election cannot be set, the candidate to receive the mandate shall be the candidate specified from among the candidates on the compensatory list by the nominating organisation or, for a joint compensatory list, by the nominating organisations concerned or, absent such a candidate, the next candidate on the compensatory list.

(6) A by-election shall be held if a local government representative body is dissolved or dissolves itself.

(7)

2. Allocating the mandate after a representative drops out

Section 21 (1) If the seat of a representative elected from multi-member list becomes vacant, his place shall be taken by the candidate with the next highest number of votes.

(2) If a representative elected from a county, compensatory or capital list drops out, his place shall be taken by the candidate notified by the nominating organisation from the list notified originally. If a representative who won his mandate on the capital list is elected Capital Mayor in a by-election, his place shall be taken by the candidate notified by the nominating organisation from the capital list notified originally. If the nominating organisation does not notify the candidate within the time limit set out in section 207/A of Act XXXVI of 2013 on election procedure, the vacancy shall be filled in by the next candidate on the list.

(3) If there are no more candidates on the multi-member list, compensatory list, county list or capital list, then a by-election need not be called and the vacancy shall remain unfilled until the next general election.

(4) A date for by-election for vacant seats shall be set if the number of representatives elected from a multi-member list, county list or capital list becomes less than required for the operation of the representative body or the general assembly.

Chapter V/A

Preferential national minority mandate

Section 21/A (1) A national minority candidate may win a mandate under preferential conditions from a multi-member list in a general local government election or in a by-election for electing the entire representative body, provided that at the time when the date for the election was set, at least fifty per cent of the voters recorded in the electoral register were also recorded in the national minority electoral register for the national minority concerned.

(2) If none of the candidates of the national minority concerned wins a mandate either in the mayoral election or from the multi-member list, the number representing two thirds of the valid votes cast for the candidate who won a mandate from the multi-member list with the least votes shall be determined. The candidate of the national minority who receives more votes than the number of votes determined using this method shall receive a preferential mandate. If a national minority has multiple candidates meeting this condition, the national minority candidate with the most votes shall win the preferential mandate; in case of a tied vote, the allocation of the mandate shall be determined by drawing lots.

(3) The number of members of the representative body determined under section 4 shall increase by the preferential mandate allocated using the method under paragraph (2).

(4) If the mandate of a representative who won a preferential mandate terminates, his place shall be taken by the candidate of the same national minority with the next highest number of votes, provided that this candidate also received at least the number of votes determined using the method under paragraph (2).

(5) If a vacancy is filled under section 21 (1), and the candidate with the next highest number of votes is a representative who won a preferential mandate, then he shall keep the mandate allocated to him under section 21 (1), and the preferential mandate of the national minority concerned terminates.

(6) If a candidate of the same national minority wins a mandate as a mayor or from a multi-member list in a by-election, the preferential mandate shall terminate.

Section 21/B (1) A national minority candidate may win a mandate under preferential conditions from a compensatory list in a general local government election or in a by-election for electing the entire representative body, provided that at the time when the date for the election was set, at least twenty-five per cent of the voters recorded in the electoral register were also recorded in the national minority electoral register for the national minority concerned.

(2) If none of the candidates of the national minority concerned wins a mandate in the mayoral election, in the single-member constituency or from the compensatory list, including the national minority compensatory list,

a) the number representing two thirds of the average number of valid votes cast for representatives who won a mandate in single-member constituencies shall be determined,

b) the national minority compensatory list shall receive one preferential mandate, provided that it receives more wasted votes than the number determined using the method under point a). The mandate shall be allocated to the candidate according to section 16 (4).

(3) The number of members of the representative body determined under section 5 shall increase by the preferential mandate allocated using the method under paragraph (2).

(4) If the seat of a representative elected from a national minority compensatory list becomes vacant, his place shall be taken by the candidate from the national minority compensatory list with the next highest number of votes received in the single-member constituency.

(5) If a candidate of the same national minority wins a mandate as a mayor or in a single-member constituency in a by-election, the preferential national minority mandate shall terminate.

Chapter VI

FINAL PROVISIONS

Section 22

Section 23 This Act shall enter into force on the day of its promulgation; its provisions shall for the first time apply to the 2010 general election of local government representatives and mayors.

Section 24 (1) Setting a date for by-election shall not be allowed if the mandate of a representative, a mayor or the Capital Mayor terminates before 1 October 2024.

(2) Where the mandate of a representative elected from a multi-member list, compensatory list, county list or capital compensatory list terminates before 1 October 2024, the provisions of section 21 (1) to (3) shall apply to the allocation of the mandate.

(3) For the purposes of sections 20 (5) and 21 (4), a representative, a mayor and the Capital Mayor elected in the 2024 general election of local government representatives and mayors shall be regarded as if his mandate was established upon the result of the 2024 general election of local government representatives and mayors becoming final and binding.

(4) Where the office of a mayor in a local government is vacant on the day of the 2024 general election of local government representatives and mayors, the mandate of the mayor elected in the 2024 general election of local government representatives and mayors shall commence on the date when the result of the mayoral election held as part of the 2024 general election of local government representatives and mayors becomes final and binding.

Section 24/A The provisions of this Act as introduced by Act XCV of 2023 amending certain election-related Acts for fairer and more proportionate local government elections (hereinafter “Amending Act1”) shall apply for the first time to the general election of local government representatives and mayors the date of which is to be set following the entry into force of the Amending Act1.

Section 24/B Chapters I to V/A, section 24 and section 24/A of this Act qualify as cardinal on the basis of Article XXIII (4) and Article 35 (1) of the Fundamental Law.

Section 25 This Act serves the purpose of compliance with Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

Section 26