

— ANNEX —

PROVISIONS ON REFERENDUMS IN HUNGARY’S OLD
AND NEW CONSTITUTION¹

Act XX of 1949

The Constitution of the Republic of Hungary

Fundamental Law of Hungary

(25 April 2011)

Article 2.

(2) In the Republic of Hungary supreme power is vested in the people, who exercise their sovereign rights directly and through elected representatives.

Article B.

(3) The source of public power shall be the people.

(4) The power shall be exercised by the people through elected representatives or, in exceptional cases, directly.

Article 26.

(6) The President of the Republic shall ratify the law subject to national referendum if such law is confirmed by the national referendum.

Article 28/B.

(1) The subject of national referenda or popular initiatives may fall under the jurisdiction of the Parliament.

(2) A majority of two-thirds of the votes of the Members of Parliament present shall be required for the Parliament to pass the law on national referenda and popular initiatives.

[See Article 8(2).]

¹ Last effective version of Act XX of 1949, the Constitution of the Republic of Hungary and the first effective version of the Basic Law of Hungary (25 April 2011) as entered into force on 1 January 2012. Both current official translations are available on the website of the Hungarian Parliament: www.parlament.hu/angol/act_xx_of_1949.pdf and www.parlament.hu/angol/the_fundamental_law_of_hungary_consolidated_interim.pdf (accessed 18 October 2013); the Basic Law of Hungary is denominated as “The Fundamental Law of Hungary”.

Article 28/C.

- (1) A national referendum may be held for reaching a decision or for an expression of opinion. Carrying out a national referendum may be mandatory or may be the result of the consideration of a matter.
- (2) A national referendum shall be held if so initiated by at least 200,000 voting citizens.
- (3) If a national referendum is mandatory, the result of the successfully held national referendum shall be binding for the Parliament.
- (4) Based on its consideration, the Parliament may order a national referendum upon the initiative by the President of the Republic, the Government, by one-third of Members of the Parliament or by 100,000 voting citizens.
- (5) National referendum may not be held on the following subjects:
 - a) on laws on the central budget, the execution of the central budget, taxes to the central government and duties, customs tariffs, and on the central government conditions for local taxes,
 - b) obligations set forth in valid international treaties and on the contents of laws prescribing such obligations,
 - c) the provisions of the Constitution on national referenda and popular initiatives,
 - d) personnel and restructuring (reorganization, termination) matters falling under Parliamentary jurisdiction,
 - e) dissolution of the Parliament,
 - f) the Government's program,
 - g) declaration of a state of war, a state of emergency or a state of national crisis,
 - h) use of the Armed Forces abroad or within the country,
 - i) dissolution of the representative body of local governments,
 - j) amnesty.
- (6) A national ratification referendum shall be considered successful if more than half of the votes of the citizens voting are valid, but at least more than one-quarter of all eligible voters have given the same answer in the referendum.

Article 8.

- (1) Parliament shall order a national referendum at the initiative of at least two hundred thousand voters. Parliament may order a national referendum at the initiative of the President of the Republic, the Government or one hundred thousand voters. The decision made by a valid and conclusive referendum shall be binding on Parliament.
- (2) National referendums may be held about any matter within the tasks and competences of Parliament.
- (3) No national referendum may be held on:
 - a) any matter aimed at the amendment of the Fundamental Law;
 - b) the contents of the Acts on the State Budget, the implementation of the State Budget, central taxes, duties, contributions, customs duties and the central conditions for local taxes;
 - c) the contents of the Acts on the elections of Members of Parliament, local government representatives and mayors, and Members of the European Parliament;
 - d) any obligation arising from international treaties;
 - e) personal matters and matters concerning the establishment of organisations within the competence of Parliament;
 - f) the dissolution of Parliament;
 - g) the dissolution of a representative body;
 - h) the declaration of a state of war, state of national crisis and state of emergency, and on the declaration or extension of a state of preventive defence;
 - i) any matter related to participation in military operations;
 - j) the granting of general amnesty.
- (4) A national referendum shall be valid if more than half of all voters have cast valid votes, and it shall be conclusive if more than half of those voting validly have given the same answer to the question.

Article 28/D.

At least 50,000 voting citizens are required for a national popular initiative. A national popular initiative may be for the purpose of forcing the Parliament to place a subject under its jurisdiction on the agenda. The Parliament shall debate the subject defined by the national popular initiative.

Article 28/E.

In order to call a national referendum, signatures may be collected for a period of four months in the case of a civic initiative, and for a period of two months in the case of a national popular initiative.

Article 30/A.

- (1) The President of the Republic shall –
- d) announce general parliamentary and local government elections, mayoral elections as well as the dates of the European parliamentary elections and national referenda;
 - g) have the right to initiate national referenda; [...]

Article 44.

- (1) Eligible voters exercise the right to local government through the representative body that they elect and by way of local referendum.

Article 9.

- (3) The President of the Republic: [...]
- d) may initiate national referendums;
 - e) shall set a date for the general elections of Members of Parliament, local government representatives and mayors, and of Members of the European Parliament, and for national referendums; [...]

Article 31.

- (2) A local referendum may be held on any matter within the responsibilities and competences of local governments as defined by law.

Article 70.

- (1) All adult Hungarian citizens residing in the territory of the Republic of Hungary have the right to be elected and the right to vote in Parliamentary elections; they have the right, furthermore, to participate in national referenda and popular initiatives.
- (2) All adult Hungarian citizens residing in the territory of the Republic of Hungary and all adult citizens of other Member States of the European Union who reside in the territory of the Republic of Hungary shall have the right to be elected in local ballots for the election of representatives and mayors; they shall have the right to vote, provided that they are in the territory of the Republic of Hungary on the day of the election or referendum, and, furthermore, to participate in local referenda and popular initiatives. [...]
- (3) All adult persons holding refugee, immigrant or permanent resident status in the Republic of Hungary shall have the right to vote in local ballots for the election of representatives and mayors, provided that they are in the territory of the Republic of Hungary on the day of the election or referendum, and furthermore to participate in local referenda or popular initiatives.

Article XXIII.

- (7) Everyone having the right to vote in elections of Members of Parliament shall have the right to participate in national referendums. Everyone having the right to vote in elections of local government representatives and mayors shall have the right to participate in local referendums.