

1. Election cases

In election cases, the Curia adjudges applications for review submitted against decisions of the National Election Office.

The parties involved in the case may submit applications for judicial review.

The application for the judicial review has to meet the following requirements:

1. The application for judicial review has to be submitted so it is received by the Election Office no later than the third day after the contested decision has been passed.
2. The application for judicial review can be submitted in person, mail, or with a qualified electronic signature.
3. Legal representation is compulsory in judicial review procedures.
4. The application has to include the name, home address (seat), and, if different than the home address (seat), the mailing address of the person submitting the application.
5. The personal identification number and the type and number of the document certifying Hungarian citizenship of the person submitting the application or, in case of an organisation, the number of court registration.
6. The application for judicial review has to include reference to the infringement at hand and may state new facts and evidence.

Process:

No later than 9 a.m. on the day following its receipt, the Election Office refers the application for review to the Curia, which is then obligated to make a decision within a short deadline of three days.

The Curia proceeds in non-litigious proceedings, without holding a hearing, in the form of a chamber of three official judges.

If the application for review does not meet the minimum requirements regarding form and content, the Curia rejects the application without a substantive examination. There is no possibility for submitting additional information in review proceedings. If the application meets the requirements, the Curia adjudges it by examining the contested decision and the preceding procedure, based on which it either upholds or amends the decision.

The Curia then informs the parties of its decision and publishes it in an anonymised form.

In election cases, the judicial proceeding is single-instance, meaning there is no possibility to seek legal remedy against the court decision.

2. Referendums

Referendums provide an institution for the direct expression of the will of the public. When evaluating referendums, the Curia examines only statutory compliance and does not take a stand on the purpose of the issue.

In national referendum cases, the Curia reviews the decisions of the National Election Office. In the case of local referendums, the Curia proceeds only in the review of decisions passed by the Budapest Election Office.

Based on the National Election Office's decision, referendum cases are divided into two groups:

- 1) decisions passed regarding the authentication of the question;
- 2) remedy regarding the collection of signatures after authentication.

Both private persons and organisations can initiate a national referendum.

Process:

The Election Office decides on whether the question recommended by the initiator can be authenticated, that is whether it can be used to hold a referendum. Applications for review against the decision can be submitted to the Curia, which have to be received by the Curia within 15 days of the publication of the decision. The Curia has to pass its decision within 90 days or, in the case of local referendums, within 30 days. Court vacations are not included in the 90-day deadline. The Curia upholds or amends the Election Office decision, but cannot obligate it to hold a procedure. No further legal remedy is available against the Curia's decision.

Referendums cannot be held/a referendum question cannot be authenticated:

- a) if the question to be asked is not clear;
- b) if the question pertains to a subject banned by the Fundamental Law. (Among others, a referendum cannot be aimed at amending the Fundamental Law; at the central budget; or at Hungary's commitments undertaken in international treaties);
- c) if the National Assembly is not competent in the legislative obligation resulting from the referendum. (In the case of referendums held in Budapest, the Curia examines whether the Budapest General Assembly has competence in the municipal decree to be passed on the basis of the question.)

The other group of cases includes legal remedy in connection with the collection of signatures after authentication. The National Election Office is responsible for evaluating objections against the collection of signatures. And objections against its decision can be submitted to the Curia for review.

In both cases, 5 days are available for submitting the application for remedy and for the Curia to evaluate the application.

More information is available at www.kuria-birosag.hu.

Elections-referendums (on-screen subtitles):

Election cases

Referendum cases

Election cases

The Curia decides on applications for review submitted against decisions of the National Election Office

Requirements (The application for judicial review has to be submitted so it is received by the) Election Office within 3 days (after the contested decision has been passed)

Legal representation is compulsory

(The application has to include) Name: Home address/seat: Mailing address: Personal ID number: For organisations, the number of court registration:

New facts and evidence can be submitted

The process of election cases: Until 9:00 am on the day following receipt → National Election Office → Curia within 3 days

Non-litigious proceedings, without holding a hearing, chamber of three official judges.

Requirements regarding form and content

No opportunity for submitting missing information

Substantive examination (if the requirements are met)

Upholds or amends

Published on www.kuria-birosag.hu after anonymization

Single-instance judicial proceedings - final

Referendum cases

Referendums are an institution for the direct expression of the will of the public

Referendums examine compliance with the law

The Curia reviews the decisions of the National Election Office

In local referendums, only the review of decisions passed by the Budapest Election Office

National Election Office: 1. Decisions regarding the authentication of the question 2. Remedy regarding the collection of signatures after authentication

Private persons (can submit)

Organisations (can submit)

(The Election Office decides on whether to) authenticate/refuse authentication (the question recommended by the initiator)

Voters, parties, associations: preparation of the signature sheet

(Curia) Authentication/Refuse authentication

within 15 days (the decision has to be received by the Curia)

(The Curia has to pass its decision) within 90 days (or, in the case of local referendums,) within 30 days

(Court vacations are not included in the 90-day deadline.)

Voters, parties, associations: preparation of the signature sheet → National Election Office (NEO) authentication/refusal of authentication → voters: signature collection (120 days) → NEO (Curia) → National Assembly approval/rejection (Constitutional Court) → Set by the President of the Republic → referendum (voters vote)

If the question to be asked is not clear; If the question pertains to a subject banned by the Fundamental Law; If the question is aimed at amending the Fundamental Law; If it pertains to the central budget or at Hungary's commitments undertaken in international treaties

If the National Assembly is not competent in the legislative obligation resulting from the referendum

In the case of Budapest and local referendums, the Curia also examines whether the Budapest General Assembly has competence in the decree to be passed

National Election Office Remedy regarding the collection of signatures after authentication

And objections against a National Election Office decision can be submitted to the Curia for review

(In both cases,) 5 days (are available for submitting the application for remedy and for the Curia to evaluate the application.)

For more information: www.kuria-birosag.hu