

Issuer:	Riigikogu
Type:	act
In force from:	01.10.2024
In force until:	In force
Translation published:	01.10.2024

## Referendum Act

Passed 13.03.2002  
RT I 2002, 30, 176  
Entry into force 06.04.2002

Amended by the following acts

Passed	Published	Entry into force
12.06.2002	RT I 2002, 57, 355	18.07.2002
15.10.2002	RT I 2002, 90, 517	10.11.2002
21.01.2004	RT I 2004, 6, 32	14.02.2004
07.06.2006	RT I 2006, 30, 231	14.07.2006
14.06.2007	RT I 2007, 44, 316	14.07.2007
11.12.2008	RT I 2009, 2, 5	16.01.2009, in part 01.01.2011
06.05.2009	RT I 2009, 27, 165	01.01.2010
20.05.2009	RT I 2009, 29, 175	01.07.2009
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
17.10.2012	RT I, 01.11.2012, 1	11.11.2012
19.06.2014	RT I, 11.07.2014, 1	21.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015, in part on the day following its publication in the Riigi Teataja.
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 4 of § 107 <sup>3</sup> of the Government of the Republic Act in the wording in force since 1 July 2014.
13.04.2016	RT I, 06.05.2016, 1	01.01.2017
12.10.2016	RT I, 25.10.2016, 1	26.10.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
25.10.2017	RT I, 17.11.2017, 1	01.01.2019
13.06.2018	RT I, 09.07.2018, 1	01.01.2021
11.12.2019	RT I, 03.01.2020, 2	13.01.2020
07.05.2024	RT I, 24.05.2024, 1	03.06.2024, in part 01.10.2024

## Chapter 1 GENERAL PROVISIONS

### § 1. Issues to be submitted to referendum

(1) The Riigikogu submits any amendment to Chapters 1 and 15 of the Constitution to a referendum. The Riigikogu may submit other bills to amend the Constitution, and any other bills or other affairs of the state to a referendum.

(2) Issues regarding the budget, taxation, financial obligations of the state, ratification and denunciation of international treaties, the declaration or termination of a state of emergency, or national defence cannot be submitted to a referendum.

## **§ 2. Principles of referendum**

(1) A referendum is free, general, uniform and direct. Voting is secret. Each voter has one vote. The decision of the people is made by the majority of the participants in the voting.

(2) Estonian citizens who have attained 18 years of age by the day of a referendum may participate in the referendum.

(3) A person does not participate in voting if:

- 1) they have been divested of active legal capacity with regard to the right to vote;
- 2) they been convicted of a criminal offence by a court and they are serving a prison sentence.

[RT I 2006, 30, 231 – entry into force 14.07.2006]

## **§ 3. Time of referendum**

(1) A referendum is held not earlier than three months after the adoption of such resolution by the Riigikogu.

(3) A referendum day is determined by the Riigikogu. A referendum day is a Sunday.

(3) A referendum is not initiated or held during a state of emergency or a state of war. A referendum is not held at a time when less than 90 days remain until the Riigikogu elections. A referendum on a bill to amend the Constitution or on other affairs of the state may be scheduled for a time after the next elections of the Riigikogu. A referendum on another bill is not scheduled for a time after the next elections of the Riigikogu. A referendum may be scheduled for the same day as the Riigikogu elections or municipal council elections.

(4) Referendums are not held on the same day on issues which are mutually exclusive or for the adoption of Acts which are in conflict with each other.

[RT I 2002, 90, 517 – entry into force 10.11.2002]

## **§ 4. Obligation to comply with decision of referendum**

The decision of a referendum is binding on all state bodies.

# **Chapter 2 INITIATION OF REFERENDUM**

## **§ 5. Initiation of referendum**

The right to initiate a referendum is provided in the Riigikogu Rules of Procedure and Internal Rules Act.  
[RT I 2007, 44, 316 – entry into force 14.07.2007]

## **§ 6. Resolution to hold referendum**

(1) The Riigikogu decides to hold a referendum pursuant to the procedure provided in the Riigikogu Rules of Procedure and Internal Rules Act.

[RT I 2007, 44, 316 – entry into force 14.07.2007]

(2) The Riigikogu may not amend or repeal a resolution to hold a referendum.

## **§ 7. Postponement of referendum**

(1) A referendum is postponed where a state of emergency or a state of war is declared.

(2) Where the Government of the Republic declares an emergency situation due to a natural disaster, catastrophe or infectious disease after a resolution to hold a referendum has been passed, the Riigikogu may postpone the referendum by a resolution.

(3) The Riigikogu determines a new referendum day within two weeks after the reasons provided in subsections 1 and 2 cease to exist, observing the term prescribed in subsection 1 of § 3 of this Act which is calculated from the day of the resolution of the Riigikogu determining the new referendum day.

(4) In the case prescribed in subsection 1, the National Electoral Committee publishes a notice within seven working days after the entry into force of the resolution to this effect.

## **§ 8. Cancellation of referendum**

(1) A referendum will not be held if:

1) the Supreme Court repeals the resolution of the Riigikogu concerning submission of a bill or other affairs of the state to a referendum;

2) the Riigikogu has not passed a resolution determining a new referendum day within the term prescribed in subsection 3 of § 7;

3) the time of the referendum is not in accordance with subsection 3 of § 3 due to extraordinary Riigikogu elections being declared.

(2) In the event prescribed in clause 1 of subsection 1, the National Electoral Committee publishes a notice concerning the cancellation of a referendum within seven working days after the entry into force of the judgment of the Supreme Court.

(3) In the event prescribed in clause 2 of subsection 1, the National Electoral Committee publishes a notice within seven working days after the expiry of the term prescribed in subsection 3 of § 7.

(4) In the event prescribed in clause 3 of subsection 1, the National Electoral Committee publishes a notice within seven working days after extraordinary Riigikogu elections being declared.

#### **§ 9. Publication of resolutions and notices concerning referendum**

(1) Resolutions to hold a referendum, bills to be submitted to a referendum, resolutions to postpone a referendum, resolutions which determine a new referendum day and notices issued by the National Electoral Committee concerning the postponement or cancellation of a referendum are published in the *Riigi Teataja*.

(2) Resolutions to hold a referendum and bills to be submitted to a referendum are published for a second time between 7 and 14 days before the day of the referendum.

### **Chapter 3 CAMPAIGNING**

[RT I 2002, 57, 355 - entry into force 18.07.2002]

#### **§ 10. Restriction on campaigning**

(1) [Repealed – RT I, 03.01.2020, 2 – entry into force 13.01.2020]

(2) Campaigning at polling places is prohibited.  
[RT I, 03.01.2020, 2 – entry into force 13.01.2020]

### **Chapter 4 VOTING DISTRICTS**

[Repealed -RT I, 06.05.2016, 1 - entry into force 01.01.2017]

#### **§ 11. Formation of voting districts**

[Repealed – RT I 06.05, 2016, 1 – entry into force 01.01.2017]

### **Chapter 5 REFERENDUM MANAGEMENT**

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

#### **Subchapter 1 National Electoral Committee**

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

#### **§ 12. Competence of National Electoral Committee**

(1) The function of the National Electoral Committee is to ensure compliance with the principles provided in subsection 1 of § 2 of this Act, to ascertain the voting results across the whole country, to exercise supervision over the activities of the voting managers, to resolve complaints and to perform other functions arising from law.

(2) For the performance of their functions, the National Electoral Committee has the right:

- 1) to issue a precept to the voting manager for the protection of the principles provided in subsection 1 of § 2 of this Act or for ensuring the subjective rights of a person;
- 2) to annul the votes cast in the advance voting in part or in whole due to a material violation of law and call on the voters to vote again during advance voting or on the referendum day;
- 3) to declare the voting results in a voting district, rural municipality, city or the state invalid or to declare the electronic voting results invalid in whole or in part and to hold a repeat vote where the violation significantly affected or could have significantly affected the voting results;  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]
- 4) not to start electronic voting or to suspend or terminate electronic voting in whole or in part where the security or reliability of the electronic voting system cannot be ensured in such way that electronic voting could be conducted pursuant to the requirements of this Act.  
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(3) To resolve an issue within the competence of the National Electoral Committee, the National Electoral Committee adopts a resolution which is signed by the chair of the Committee. A resolution enters into force upon signature.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **Subchapter 2 Voting managers**

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

### **§ 13. Voting managers**

- (1) Voting is organised by:
  - 1) the State Electoral Office;
  - 2) rural municipality and city secretaries;
  - 3) voting district committees;
  - 4) vote counting committees.
- (2) The procedure for formation of the State Electoral Office is provided in the Riigikogu Election Act.
- (3) The procedure for appointment to office and substitution of rural municipality and city secretaries is provided in the Local Government Organisation Act.
- (4) The functions of a rural municipality or city vote counting committee during a referendum are performed by a rural municipality or city electoral committee formed pursuant to the procedure provided in the Municipal Council Election Act.
- (5) A person managing the voting must have the right to vote pursuant to subsections 2 and 3 of § 2 of this Act and be proficient in Estonian.
- (6) A person managing the voting and a person who provides assistance to them must be independent in the performance of their duties, and may not campaign to vote for or against the issue submitted to a referendum, or to participate or to refuse to participate in the referendum.
- (7) A person managing the voting, a rural municipality or city government official or employee, or another person is entitled to receive remuneration for the performance of duties related to the organisation of elections.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

### **§ 14. Competence of State Electoral Office**

- (1) The function of the State Electoral Office is:
  - 1) to ensure the holding of a referendum in compliance with law, organise electronic voting and ascertain the results of electronic voting;
    - 1<sup>1</sup>) to ensure electronic use of the list of voters while holding voting;  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
  - 2) to exercise supervision over the activities of the voting managers;
  - 3) to organise the development and management of the technical solutions necessary for the performance of the duties arising from Acts;
  - 4) to perform other duties arising from this Act.
- (2) For the performance of their functions, the State Electoral Office:
  - 1) gives written instructions to the voting managers for ensuring the uniformity of a referendum;
  - 2) issues oral and written mandatory orders to the voting managers;
  - 3) draws up a draft budget for the preparation and holding of the referendum and submits it to the Government of the Republic through the minister in charge of the policy sector;
  - 4) distributes among municipalities, upon approval of the National Electoral Committee, the funds allocated for holding of the referendum and establishes the procedure for using the funds allocated to the rural municipality and city secretaries and voting district committees;

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

5) ensures the availability of the inventory and services necessary for holding of a referendum;

5<sup>1</sup>) establishes the procedure for forwarding of the election equipment to the voting district committees, and the distribution areas of the election equipment;

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

5<sup>2</sup>) establishes the procedure for the use and preservation of the election equipment;

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

5<sup>3</sup>) operates the election information system and electronic voting system, including the hardware and software used for generating the encryption key for electronic votes and the vote-opening key included in the electronic voting system, and for counting and processing votes;

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

6) instructs and trains the voting managers;

7) may remove a person managing the voting who has violated the law or an order of the State Electoral Office from the holding of the voting;

8) where necessary, makes a proposal to the National Electoral Committee for adopting the resolutions provided in clauses 2–4 of subsection 2 of § 12 of this Act.

(3) The Head of the State Electoral Office signs a written order of the State Electoral Office. A written order enters into force upon signature.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 15. Competence of county head of elections**

[Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

### **§ 15<sup>1</sup>. Competence of rural municipality or city secretaries**

(1) The function of a rural municipality or city secretary is to organise voting in the rural municipality or city, instruct voting district committees and perform other functions arising from this Act.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) For the performance of their functions, a rural municipality or city secretary:

1) issues mandatory instructions to the voting district committees;

2) decides on the expenditure of a voting district committee based on the amount of the funds allocated by the State Electoral Office;

3) decides on the remuneration of a member of a voting district committee on the proposal of the chair of the voting district committee;

4) decides on the remuneration of the members of a vote counting committee.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Clerical support to a rural municipality or city secretary is organised by the rural municipality or city government. Tallinn City Secretary may authorise also other city officials or employees to perform its duties related to management of voting, notifying the State Electoral Office thereof

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 16. Assistance to voting managers**

Assistance to voting managers is provided pursuant to the provisions of § 18 of the Riigikogu Election Act.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 16<sup>1</sup>. Organisation of election information system and electronic voting system, and ensuring cyber security**

(1) The State Electoral Office has the right to involve competent authorities and persons in the organisation of the development, administration and hosting of the election information system and the electronic voting system, as well as in ensuring the cyber security of these information systems. The expenditure of such involvement is covered from the budget of the State Electoral Office of the Chancellery of the Riigikogu.

(2) The technical development, administration, hosting and cyber security of the election information system and the hosting of the collector component of the electronic voting system referred to in clause 3 of subsection 1 of § 48<sup>4</sup> of the Riigikogu Election Act are ensured by the Information System Authority. The additional functions and their financing are agreed on the basis of subsection 1 of this section.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

## **§ 17. Formation of voting districts**

(1) At least one voting district is formed within the territory of each rural municipality and city, and of each city district of Tallinn. A voting district has a polling place or polling places where voting is managed by a voting district committee.

(2) The rural municipality or city government determines the following by a regulation not later than on the 60<sup>th</sup> day before the referendum day:

[RT I, 24.05.2024, 1 – entry into force 01.10.2024]

- 1) the number and numeration of the voting districts and the types of voting managed by each district;
- 2) the locations of polling places on the advance voting days and on the referendum day;
- 3) one voting district where voters can vote from the sixth until the third day before the referendum day. More than one voting district may be determined with the permission of the State Electoral Office.

(3) Voting districts are permanent. Voting is held in the same voting districts for the Riigikogu, municipal council and European Parliament elections, and referendums, unless the rural municipality or city government determines otherwise and amends the regulation specified in subsection 2 of this section. The rural municipality or city government notifies the State Electoral Office immediately of any amendments.

(4) A polling place or polling places may be situated in different locations on each day of the advance voting. With the permission of the State Electoral Office, the rural municipality or city government may determine that more than one polling place is open on the same advance voting day.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **§ 18. Formation of voting district committee**

(1) In order to hold voting in a voting district, the municipal council (hereinafter *council*) forms a voting district committee comprising at least five members.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The council appoints the chair of a voting district committee and members of a voting district committee by a resolution on the proposal of the rural municipality or city secretary and in consideration of the principle of political balance not later than on the 20<sup>th</sup> day before the referendum day.

(3) The rural municipality or city secretary presents one half of the members of a voting district committee, and the political parties entered in the non-profit associations and foundations register present the remaining members.

(4) A political party entered in the non-profit associations and foundations register may present one member candidate for a voting district committee to the rural municipality or city secretary not later than on the 40<sup>th</sup> day before the referendum day.

(5) The consent of the person is required to appoint them a member of a voting district committee.

(6) Where political parties do not present candidates or where the number of candidates presented by them is smaller than the number of places that the political parties have in the voting district committee, the council appoints the remaining members on the proposal of the rural municipality or city secretary.

(7) Where the number of member candidates for a voting district committee presented by political parties exceeds the number of places that the political parties have in the voting district committee, all the remaining candidates are appointed alternate members of the voting district committee.

(8) The council appoints, on the proposal of the rural municipality or city secretary and pursuant to the provisions of subsection 7 of this section, at least two alternate members of a voting district committee.

(9) A voting district committee elects a deputy chair of the voting district committee from among its members.

(10) The term of authority of a voting district committee continues until the declaration of the results of the referendum or publication of a notice concerning cancellation of the referendum as set out in § 8 of this Act. Where the Riigikogu passes a resolution concerning the holding of another referendum before the expiry of the term of authority of the voting district committee, the term of authority of the voting district committee is extended.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **§ 19. Competence of voting district committee**

The function of a voting district committee is to hold voting within the voting district at polling places, at the residence or location of voters, in penal institutions, hospitals and 24-hour social welfare institutions, to ascertain voting results in the voting district and to perform other functions arising from this Act.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **§ 20. Working procedures of voting district committee**

(1) Where a member of a voting district committee is unable to perform their duties, they are substituted at the invitation of the chair of a voting district committee by an alternate member who will have all the rights and obligations of the member of a voting district committee, except the rights and obligations of the chair or deputy chair. With the permission of a rural municipality or city secretary, also another person may participate in the work of a voting district committee in exceptional cases.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) Operational and clerical support to a voting district committee is organised by the rural municipality or city government.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **§ 20<sup>1</sup>. Observation of referendum**

(1) Everyone has the right to observe the acts and procedures of the National Electoral Committee and voting managers.

(2) An observer must introduce themselves before commencement of observation.

(3) An observer has the right to write down the numbers of the security devices used in the sealing of the voting equipment.

(4) An observer may neither interfere with a voter's voting nor the work of the National Electoral Committee or of the elections manager, nor participate in the acts within the competence of an electoral committee or voting manager.

(5) An observer has no right to examine the list of voters, except in order to verify the accuracy of the data entered in the list of voters regarding themselves.

(6) Where due to shortage of space it is impossible to ensure equal conditions to all observers for monitoring the procedure, the observation is carried out pursuant to the orders of the National Electoral Committee or the voting manager.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

# **Chapter 6 REGISTRATION OF VOTERS**

## **§ 21. Registration of voters**

(1) Voters are registered in the population register.

(2) The procedure for maintenance of the population register is prescribed by law.

(3) Voters are registered on the basis of the following data regarding a person as entered in the population register:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]:

- 1) given name and surname;
- 2) date of birth;
- 3) personal identification code;
- 4) information on citizenship;
- 5) information on divestment of active legal capacity;

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

6) residential address;  
[RT I, 17.11.2017, 1 – entry into force 01.01.2019]

7) address of the place of stay.

[RT I, 17.11.2017, 1 – entry into force 01.01.2019]

(4) A rural municipality or city secretary may authorise an official or employee of the rural municipality or city government or its division to perform the functions of the rural municipality or city secretary provided in this Chapter, notifying the controller of the population register thereof.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(5) A complaint may be filed with an administrative court of the complainant's residence against the acts of a rural municipality and city secretary provided in this Chapter.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

## **§ 22. Notification of voters about voting possibilities**

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(1) The controller of the population register organises the preparation and sending of a referendum information sheet not later than on the 10<sup>th</sup> day before the referendum day. The information sheet is sent electronically to voters who have an email address registered in the data portal of Estonia or entered in the population register.

(2) The following is entered in the referendum information sheet:

- 1) information concerning the conditions of the right to vote;
- 2) information concerning the voting possibilities in the rural municipality or city;
- 3) the referendum issue or the title of the bill submitted to the referendum and a notation concerning publication of the bill in the *Riigi Teataja*;
- 4) other information concerning the voting.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **§ 23. List of voters**

(1) The controller of the population register organises the preparation of the list of voters on the basis of the data of the population register and sends it to the State Electoral Office not later than on the 25<sup>th</sup> day before the referendum day.

(2) The list of voters is maintained on the basis of the data prescribed in subsection 3 of § 21 of this Act, as at the 30<sup>th</sup> day before the referendum day. Upon maintenance of the list of voters, any changes made to the data specified in clauses 1–5 of subsection 3 of § 21 of this Act after the 30<sup>th</sup> day before the referendum day are also taken into account. Any changes made to the residential address and address of the place of stay after the 30<sup>th</sup> day before the referendum day are not taken into account.

(3) Data on a person are not entered in a list of voters where the person has been convicted of a criminal offence by a court pursuant to the information of the criminal records database and where, as at the 30<sup>th</sup> day before the referendum day, the person is to serve a prison sentence until the referendum day.

(4) The residential address of a voter entered in the population register as at the 30<sup>th</sup> day before the referendum day is entered in the list of voters. Where the residential address of the voter is not entered in the population register and there is an address of the place of stay, the address of the place of stay of the voter is entered in the list of voters. Where the data on the residence of a voter are entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, the data on the residence of a voter to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, are entered in the list of voters.

(5) The following data on each voter are entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address or address of the place of stay;
- 4) a notation regarding the issue of a ballot paper to the voter and information on the time and place of voting.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **§ 24. Accessibility of lists of voters**

(1) A voter may check the correctness of data entered in the list of voters concerning themselves.

(2) After the day of a referendum, the voters may, in the event of sufficient interest, examine lists of voters to the necessary extent at the location of the State Electoral Office, and the lists may also be used for scientific purposes.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **§ 25. Checking correctness of data entered in list of voters and correction of errors**

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(1) Where a voter finds that the data entered in the list of voters concerning themselves contain an error, they submit an application for correction of the error to the voting district committee which promptly forwards it to the rural municipality or city secretary.

(2) The rural municipality or city secretary promptly reviews the application together with the controller of the population register and responds to the applicant. Where an error is corrected, the controller of the population register sends the correction to the State Electoral Office.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]



## **§ 26. Making amendments to list of voters**

(1) The list of voters is amended only where:

1) a person who has not been entered in the list of voters but who has the right to participate in the voting pursuant to this Act is to be entered in the list;

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

2) a person who does not have the right to participate in voting is to be deleted from the list.

(2) In order to amend a list of voters, a person submits an application in order to be entered in the population register or an application for the amendment of register data which are the basis for the registration of voters to a rural municipality or city secretary. The rural municipality or city secretary reviews the application together with the controller of the population register and promptly responds to the person. Where the register data of the population register which are the basis for the registration of voters are amended in such manner that it brings about an amendment to the list of voters, the controller of the population register sends the amendment to the State Electoral Office.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) Where a rural municipality or city secretary dismisses an application specified in subsection 2 of this section, the applicant may file a complaint with an administrative court of their residence against the act of the rural municipality or city secretary. The complaint is filed with the rural municipality or city secretary who forwards the complaint to the administrative court of their location together with their written explanation within 24 hours.

(6) The administrative court reviews the complaint and makes a judgment within three working days after receipt of the complaint.

(7) The administrative court makes one of the following judgments:

1) to refuse to grant the complaint;

2) to grant the complaint and issue a precept to the rural municipality or city secretary to arrange that the person be entered in the population register or to amend the register data which are the basis for the registration of voters.

(8) Where the administrative court grants the complaint, the person is promptly entered in the population register or the data pertaining to the person are amended.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **Chapter 7 VOTING PROCEDURE**

### **§ 27. Polling place**

(1) Voting in a voting district is organised at a polling place or polling places designated by the rural municipality or city government. Different polling places may be designated for voting on the referendum day and on the advance voting days.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) A polling place has places for the distribution of ballot papers, voting booths and a ballot box.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Where a bill is submitted to a referendum, voters may examine the bill at the polling places.

(4) Order at a polling place is maintained by the voting district committee. Lawful oral orders given by members of the voting district committee are mandatory for all persons at the polling place.

### **§ 28. Voting booth**

(1) A voting booth is positioned in a manner which enables secret ballot.

(2) A voting booth has a table and a writing instrument.

## § 29. Ballot box

(1) Voting district committees inspect and seal ballot boxes before the voting opens.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The opening of a ballot box is covered. It is opened only to deposit a ballot paper in the box.

(3) On the advance voting days, voting district committees seal the openings of the ballot boxes used for advance voting after the close of voting.

## § 30. Ballot paper

(1) Where a bill is submitted to a referendum, the title of the bill or, pursuant to a resolution of the Riigikogu, the text of the bill, the question “*Kas Teie olete seaduseelnõu seadusena vastuvõtmise poolt?*” [Are you in favour of adoption of the bill?] and spaces marked with the possible answers “*jah*” [yes] and “*ei*” [no] are entered on the ballot paper. Where any other affair of the state is submitted to a referendum, the wording of the affair and spaces marked with the possible answers “*jah*” [yes] and “*ei*” [no] are entered on the ballot paper.

(2) The National Electoral Committee establishes the standard form of ballot papers and electronic votes.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(3) The State Electoral Office organises the preparation and delivery of ballot papers to the voting district committees.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(4) After the receipt of ballot papers, a voting district committee puts an impression of the seal of the voting district committee on the ballot papers. The State Electoral Office puts an impression of the seal on the ballot papers used for voting in foreign states.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## § 31. Time of voting

(1) Voting on the referendum day opens at 9:00 and closes at 20:00.

(2) Advance voting is held:

1) from the sixth day to the third day before the day of the referendum in a voting district designated on the basis of clause 3 of subsection 2 of § 17 of this Act. Voting opens at 12:00 and closes at 20:00;

2) from the second day to the first day before the referendum day in all voting districts. Voting opens at 12:00 and closes at 20:00;

3) from the sixth day to the third day before the referendum day in penal institutions, hospitals and 24-hour social welfare institutions between 9:00 and 20:00;

4) from the sixth day to the first day before the referendum day by electronic means. Voting opens at 9:00 on the sixth day before the referendum day and lasts 24 hours a day until 20:00 on the day before the referendum day.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Home voting is held from 9:00 to 20:00 on the second and the first day before the referendum day and on the referendum day in the cases prescribed by this Act.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) Voters are allowed to complete voting within 15 minutes after the end of the voting time provided in subsection 1 and in clause 4 of subsection 2 of this section.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

## § 32. Voting

(1) In order to receive a ballot paper, a voter presents their identity document to the voting district committee.

(2) A member of the voting district committee checks from the list of voters that the voter has the right to vote.

(3) Where it turns out as a result of checking that the voter has the right to vote, the member of the voting district committee makes a notation in the list of voters concerning the issue of the ballot paper. The voter signs against the receipt of the ballot paper.

(4) The voter completes the ballot paper in a voting booth.

(5) The voter indicates their answer on the ballot paper in the space marked “*jah*” [yes] or “*ei*” [no].

(6) The voter completes the ballot paper on their own. Where they are unable to complete the ballot paper on their own due to a physical disability, another voter may do so at their request and in their presence.

(7) The voter may not take the ballot paper out of the polling place. Where the voter spoils the ballot paper, they have the right to receive another ballot paper from the voting district committee. The voter must return the spoilt or unused ballot paper to the voting district committee.

(8) After completing the ballot paper, the voter folds the ballot paper and hands it to a member of the voting district committee who puts an impression of the seal of the voting district committee on the outside of the folded ballot paper.

(9) The voter deposits the ballot paper in the ballot box on their own. Where a voter, due to a physical disability, is unable to deposit the ballot paper in the ballot box on their own, another voter may do so at their request and in their presence.

(10) Where the voter returns the ballot paper and abstains from voting, the member of the voting district committee removes the notation concerning the issue of the ballot paper to the voter from the list of voters. [RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 33. Advance voting**

(1) Advance voting is held pursuant to the procedure prescribed in § 32.

(2) A voter entered in the list of voters who has attained 18 years of age by the day of the advance voting has the right to vote in the advance voting.

(3) At least three members of a voting district committee organise the advance voting.

(4) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) The voting district committee keeps the ballot box and voting documents on the advance voting days and the following days in such manner that only the members of the voting district committee have access to these.

### **§ 34. Specifications for advance voting held outside voting district of residence**

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 35. Advance voting held in polling places outside voting district of residence**

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 36. Advance voting held outside voting district of residence at location of voter**

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 37. Electronic voting**

[Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]

### **§ 38. Voting in penal institutions, hospitals and 24-hour social welfare institutions**

[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

(1) Voting in penal institutions, hospitals and 24-hour social welfare institutions is organised by the voting district committee designated by a rural municipality or city government on the days prescribed in clause 3 of subsection 2 of § 31 of this Act. The rural municipality or city government may designate a voting district committee to organise voting only in penal institutions, hospitals and 24-hour social welfare institutions.

(2) The administration of a penal institution, hospital and 24-hour social welfare institution submits an application for organising the voting to the voting district committee prescribed in subsection 1 of this section.

(3) Voting is be organised by at least two members of the voting district committee pursuant to the provisions of subsection 3 of § 27 and subsections 1–3, 5–7 and 10 of § 32 of this Act.

(4) After completing the ballot paper, the voter folds the ballot paper and deposits the ballot paper in the ballot box pursuant to the procedure specified in subsection 9 of § 32 of this Act. [RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 39. Home voting**

(1) Where a voter is unable to vote at a polling place due to their state of health or for another good reason, they may apply to vote at home. The application to vote at home may also be submitted to vote at the location of the voter.

(2) In order to vote at home, a voter submits a written application by 14:00 on the referendum day.

(3) A voter may submit an application to vote at home also by phone from 12:00 to 20:00 on the second and the first day before the referendum day and from 9:00 to 14:00 on the referendum day.

(4) An application to vote at home must include the following:

- 1) name of voter;
- 2) personal identification code of voter;
- 3) address of voter;
- 4) telecommunications numbers of voter;
- 5) reason for voting at home.

(5) An application for voting at home is registered. Where the voting district committee finds that the application is unsubstantiated, the committee notifies the applicant about the circumstances for dismissal of the application.

(6) Home voting is organised by at least two members of the voting district committee in accordance with the provisions of subsection 3 of § 27 and subsections 1–3, 5–7 and 10 of § 32 of this Act. Such members are appointed based on the principle that they may not be members of the same political party and they may not have presented to be members of a voting district committee on the proposal of the same political party.

(7) After completing the ballot paper, the voter folds the ballot paper and deposits the ballot paper in the ballot box pursuant to the procedure specified in subsection 9 of § 32 of this Act.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 40. Voting in Estonia by voters residing in foreign states**

A voter permanently residing in a foreign state who is entered in the list of voters and who has not voted pursuant to the procedure provided in Chapter 8 of this Act may vote pursuant to the general procedure at the time prescribed in § 31 of this Act.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 40<sup>1</sup>. Voting without using the list of voters**

(1) Where it is not possible to use a list of voters, the voter places the ballot paper in one of the envelopes given by the member of the voting district committee. The voter places the envelope in the other envelope given by the member of the voting district committee. The voting district committee writes the data pertaining to the voter on the outer envelope.

(2) The voter gives the envelope with the ballot paper to a member of the voting district committee. The members of the voting district committee store the envelope with the ballot paper in accordance with the procedure provided in subsection 5 of § 33 of this Act until they can check the voter's right to vote from the list of voters.

(3) Where it turns out as a result of checking that the voter has the right to vote, the outer envelope with the ballot paper of the voter is opened and the inner envelope is deposited in the ballot box.

(4) A member of the voting district committee makes a notation concerning the voting in the list of voters.

(5) Where the voter is not in the list of voters or has already voted according to the list of voters, the envelope containing the ballot paper of the voter is not taken into account.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 41. Taking votes cast during advance voting outside voting district of residence into account**

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

### **§ 41<sup>1</sup>. Taking votes cast using electronic means into account**

[Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]

## **Chapter 7<sup>1</sup> ELECTRONIC VOTING**

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### § 41<sup>2</sup>. Organisation of electronic voting

Electronic voting is organised at the time provided in clause 4 of subsection 2 of § 31 of this Act and pursuant to the procedure provided in § 41<sup>3</sup> of this Act and in §§ 48<sup>2</sup>–48<sup>4</sup> and 48<sup>6</sup>–48<sup>12</sup> of the Riigikogu Election Act.  
[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

### § 41<sup>3</sup>. Electronic voting procedure

(1) A voter may vote using electronic means on the days prescribed in clause 4 of subsection 2 of § 31 of this Act using the system provided in subsection 1 of § 48<sup>2</sup> of the Riigikogu Election Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) A voter is identified in the electronic voting system using electronic means pursuant to the resolution specified in clause 1 of subsection 3 of § 48<sup>2</sup> and the provisions of clause 2 of § 48<sup>5</sup> of the Riigikogu Election Act.  
[RT I, 24.05.2024, 1 – entry into force 01.10.2024]

(3) After identification of the voter, the text on the ballot paper is displayed to the voter.

(4) A voter marks the answer “*jah*” [yes] or “*ei*” [no]. The application used for electronic voting encrypts the voter’s vote using the vote-encryption key. The voter confirms the vote by a digital signature in compliance with the requirements of the Electronic Identification and Trust Services for Electronic Transactions Act.  
[RT I, 25.10.2016, 1 – entry into force 01.01.2017]

(5) A notice that the vote has been taken into account is displayed to the voter after the voting is confirmed.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## Chapter 8 VOTING IN FOREIGN STATE

### § 42. Preparation for voting

(1) Voting in a foreign state for voters permanently residing in the foreign state and voters temporarily staying there is held by the foreign missions of Estonia.

(2) A consular authority led by an honorary consul who is an Estonian citizen may be designated to hold voting by an order of the Government of the Republic. In such case, the consular authority led by the honorary consul performs the acts prescribed in this Chapter.  
[RT I 2009, 29, 175 – entry into force 01.07.2009]

(3) Voting is organised by the head of a foreign mission or an official designated by them. In the event prescribed in subsection 2 of this section, voting is organised by the honorary consul or a person designated by them. The person organising the voting must be a person who has the right to vote pursuant to § 2.

(4) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) A referendum information sheet is sent electronically to voters permanently residing in a foreign state and voters temporarily staying there pursuant to the data of the population register, to their email address registered in the data portal of Estonia or entered in the population register, not later than on the 60<sup>th</sup> day before the referendum day.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(6) The following is entered in the referendum information sheet:

- 1) information concerning the conditions of the right to vote;
- 2) address of the foreign mission;
- 3) procedure for submitting an application to vote by post, voting by post and for voting at the foreign mission;
- 4) due date for receipt by the foreign mission of applications to vote by post;
- 5) due date for receipt by the foreign mission of ballot papers sent by post;
- 6) time of voting at the foreign mission;
- 7) time of electronic voting;

8) the referendum issue or the title of the bill submitted to the referendum and a notation concerning publication of the bill in the *Riigi Teataja*;

9) other information concerning voting.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

#### **§ 43. Submission of applications to vote**

(1) Where a voter wishes to vote by post, they send a corresponding application to the Estonian foreign mission in the country of their habitual residence. Where Estonia does not have a foreign mission in the country of habitual residence of a voter, the voter sends the application to the closest foreign mission of Estonia.

(2) A voter who has been entered in the list of voters:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

- 1) appends a copy of the page of their identity document containing personal data to the application;
- 2) indicates in the application their residential address in the foreign state.

(3) A voter who has not been entered in the list of voters:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

- 1) appends copies of documents which certify their identity and that they have the right to vote in accordance with § 2 to the application;
- 2) indicates their residential address in the foreign state;
- 3) indicates their last residence in Estonia (the county, the city district in Tallinn, or the city of Tartu). Where a voter permanently residing in a foreign state has not had a residence in Estonia, they indicate the last residence of their parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state indicates their residential address in Estonia in the application in addition to the information prescribed in clauses 1 and 2 of subsection 2.

(5) Applications are to be received by the foreign mission not later than on the 30<sup>th</sup> day before the referendum day.

[RT I 2006, 30, 231 – entry into force 14.07.2006]

#### **§ 44. Sending of voting documents to voters**

On the 30<sup>th</sup> day before the referendum day, a foreign mission sends the following to voters who sent their applications in due time and who comply with the requirements of this Act:

- 1) a ballot paper;
- 2) two envelopes.

#### **§ 45. Voting by post**

(1) A voter completes a ballot paper pursuant to the requirements of this Act. The voter places the completed ballot paper in one of the envelopes sent by the foreign mission. The voter places this envelope in the other envelope sent by the foreign mission. The data pertaining to the voter are written on the outer envelope. Thereafter the voter sends the ballot paper to the foreign mission.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) Ballot papers sent by post are to be received by the foreign mission on the day determined by the foreign mission, which is to be determined in such manner that the State Electoral Office will receive the ballot papers not later than on the fourth day before the referendum day.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(3) The foreign mission makes a notation concerning the voting in the list of voters based on the ballot paper received by the due date provided in subsection 2 of this section.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) In the event of voting by post, the expenses relating to the acts specified in subsection 1 of § 43 in subsection 1 of this section are covered by the voter.

#### **§ 46. Electronic voting in foreign states**

[Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]

#### **§ 47. Voting at foreign missions**

(1) Where a voter does not submit an application to vote by post within the term prescribed in subsection 5 of § 43 of this Act or does not send a ballot paper to the foreign mission by the due date prescribed in subsection 2 of § 45, they may vote at the foreign mission at the time determined by the foreign mission.

(2) A foreign mission must allow voting at the mission at least on two days during the period from the 15<sup>th</sup> day to the 10<sup>th</sup> day before the referendum day.

(3) The person managing the voting checks from the list of voters that the voter has the right to vote.

(4) Where it turns out as a result of the checking that the voter has the right to vote, the person managing the voting makes a notation in the list of voters concerning the issue of a ballot paper. The voter signs against the receipt of the ballot paper.

(5) At a foreign mission, a voter completes a ballot paper pursuant to the provisions of this Act. Thereafter the voter places the completed ballot paper in an envelope. The voter places the envelope with the ballot paper in another envelope. The person managing the voting writes the information pertaining to the voter on the outer envelope.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

#### **§ 48. Taking ballot papers into account upon ascertaining of voting results**

(1) A foreign mission sends the received envelopes with ballot papers to the State Electoral Office. Where according to the information in the list of voters, the voter has already voted or has voted several times, the foreign mission does not take into account any of the ballot papers of the voter and the envelopes with the ballot papers are not sent to the State Electoral Office.

(2) The ballot papers received by a foreign mission are taken into account in the ascertaining of the voting results if they are received by the State Electoral Office not later than on the fourth day before the referendum day.

(3) The voting results of voters who voted in a foreign state are ascertained by Tallinn City Vote Counting Committee.

(4) The State Electoral Office forwards the ballot papers of voters who voted in a foreign state to the vote counting committee specified in subsection 3 of this section not later than on the second day before the referendum day.

(5) Envelopes with the ballot papers of voters who voted in a foreign state are opened on the referendum day in order to ascertain voting results.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

#### **§ 49. Voting on board ship flying national flag of Estonia and located in international waters or waters of foreign state**

[Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **Chapter 9 ASCERTAINING OF VOTING RESULTS**

#### **§ 50. Ascertaining of voting results in voting district committee**

(1) A voting district committee opens the ballot boxes after the close of voting. More than one half of the members of the voting district committee must be present at the opening.

(2) Before the ballot boxes are opened, the voting district committee has to count and cancel all ballot papers that were not issued to voters and all spoiled ballot papers returned by voters. Ballot papers are cancelled by cutting off a corner of the ballot paper.

(3) Before the ballot boxes are opened, the voting district committee prepares a record sheet concerning the ballot papers.

(4) When a ballot box is opened, the condition of the security features on the box is inspected.

(5) An impression of the seal of the voting district committee is put on the outside of ballot papers of home voters and ballot papers deposited in the ballot box pursuant to subsection 4 of § 38 and subsection 3 of § 40<sup>1</sup> of this Act, and the ballot papers are placed among the ballot papers of voters who voted at the polling place.

(6) The voting district committee ascertains the number of ballot papers, including invalid ballot papers, extracted from the ballot boxes, and the number of affirmative and negative answers to the issue submitted to the referendum, and enters these numbers in a record.

(7) A ballot paper is declared invalid where:

1) it does not bear two impressions of the seal of the voting district committee,

- 2) neither or both of the spaces for answers have been completed on the ballot paper or
- 3) the answer on the ballot paper has been changed.

(8) A ballot paper is valid where neither of the spaces for answers has been completed on the paper but the will of the voter is clear and unambiguous.

(9) A record is prepared concerning the ascertaining of the voting results. The chair of the committee signs the record. The date and time of preparation of the record are indicated in the record.

(10) After ascertaining of the voting results, valid ballot papers are packed as per the answer given. Invalid ballot papers, ballot papers which were not issued to voters and spoiled ballot papers returned by voters are packed separately. The voting district from which the ballot papers originate and the type and number of ballot papers in the packet are noted on each packet. The chair of the voting district committee signs the notation.

(11) Ballot papers, the record sheet concerning the ballot papers and the records concerning the voting results are promptly forwarded to a rural municipality or city election committee.

(12) Voting results are ascertained publicly in a voting district committee. Persons who are present at the counting of votes must follow the oral orders given by members of the vote counting committee.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

#### **§ 51. Counting of votes cast at advance voting**

[Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]

#### **§ 52. Ascertaining of voting results of voters voting in foreign state**

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(1) Tallinn City Vote Counting Committee organises the counting of the votes and decides on the validity of a ballot paper.

(2) The vote counting committee begins the counting of the votes of voters who voted in a foreign state at 20:00 on the referendum day. At least three members of the vote counting committee must be present at the opening of the envelopes.

(3) The inner envelopes which contain the ballot papers of voters who voted in a foreign state are opened and an impression of the seal of the voting district committee is put on the outside of the ballot papers.

(4) On the basis of the ballot papers, the vote counting committee verifies the number of voters who voted in a foreign state, the number of invalid ballot papers and the number of affirmative and negative answers to the issue submitted to the referendum. Ballot papers are declared invalid in accordance with the provisions of subsections 7 and 8 of § 50 of this Act.

(5) A record signed by the chair of Tallinn City Vote Counting Committee is prepared with regard to ascertaining the voting results of voters who voted in a foreign state. The date and time of preparation of the record are indicated therein.

(6) Voting results of voters who voted in a foreign state are ascertained publicly. Persons who are present at the counting of votes must follow the oral orders given by members of the vote counting committee.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

#### **§ 53. Ascertaining of voting results in rural municipalities and cities**

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(1) The vote counting committee provided in subsection 4 of § 13 of this Act organises the counting of the votes and decides on the validity of a ballot paper.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) On the basis of the records, list of voters and record sheets concerning the ballot papers received from the voting district committees, the vote counting committee verifies the number of voters entered in the lists, the number of voters who were given a ballot paper, the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers, and the number of affirmative and negative answers to the issue submitted to the referendum. The result obtained is checked by recounting the ballot papers.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Where the numbers obtained by recounting the ballot papers are different from the numbers in the record of a voting district committee or in the list of voters, the vote counting committee sets out the differences and the circumstances which caused such differences in an appendix to the record. The records or record sheets concerning the ballot papers of the voting district committee may not be amended. The vote counting committee adopts a resolution concerning the final voting results.



[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) The vote counting committee prepares a record concerning the voting results in a rural municipality and city, which is signed by the chair of the rural municipality or city election committee. The date and time of preparation of the record are indicated therein.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(5) Voting results are ascertained publicly.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 53<sup>1</sup>. Counting of votes cast using electronic means**

(1) The State Electoral Office ascertains the results of electronic voting after 20:00 on the referendum day.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(1<sup>1</sup>) After the end of electronic voting and before the votes cast electronically are counted, the State Electoral Office verifies, in the presence of an information systems auditor, the integrity of the set of electronic votes recorded in the electronic voting system, the correspondence of the votes recorded in the system with the data of the registration service, the integrity of the digital signatures of the votes, and whether the voters who voted electronically are in the list of voters.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(2) At least three persons designated by the Head of the State Electoral Office and at least one half of the members of the National Electoral Committee must be present at the counting of votes.

(3) Prior to the counting of electronic votes, the State Electoral Office:

1) annuls the electronic votes which have been changed by the ballot papers when voting;

1<sup>1</sup>) retains the last electronic vote cast by the voter and disregards any electronic vote cast earlier;

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

2) separates the electronic votes subject to counting from the personal data of the voters.

(3<sup>1</sup>) For the purpose of counting the votes cast electronically, only the electronic votes cast during the advance voting as provided in clause 4 of subsection 2 and in subsection 4 of § 31 of this Act are taken into account.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(4) To count the electronic votes, the members of the National Electoral Committee and the State Electoral Office use the means of access provided in subsection 3 of § 48<sup>3</sup> of the Riigikogu Election Act, which ensure access to the vote-opening key.

(5) The State Electoral Office verifies the following with regard to the voters of each rural municipality and city and voters permanently residing in a foreign state:

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

1) the number of voters who participated in electronic voting;

2) the number of invalid electronic votes;

3) the number of electronic votes annulled on the basis of 1 of subsection 3 of this section;

4) the number of affirmative and negative answers to the issue submitted to the referendum.

(6) An electronic vote which does not contain an answer to the issue submitted to the referendum or which is not in conformity with the standard form established by the National Electoral Committee is null and void.

(7) Counting of votes cast by electronic means is public. Persons who are present at the counting of votes must follow the oral orders of the persons designated by the Head of the State Electoral Office.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(8) [Repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(9) The State Electoral Office enters the voting results in the election information system immediately.

(9<sup>1</sup>) On the day following the referendum day, the State Electoral Office verifies the integrity of the data in the electronic voting system, including the correctness of the result of counting of electronic votes, in such manner that the secrecy of the voter's vote is ensured.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(10) The Head of the State Electoral Office signs the results of electronic voting after verification of the integrity of the data of the electronic voting system.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **§ 54. Ascertaining of voting results in National Electoral Committee**

(1) On the basis of the records concerning the voting results of voters in rural municipalities and cities which are received from all the rural municipality or city secretaries and on the basis of the records concerning the voting results of voters who voted in a foreign state, voting results of the voters who voted using electronic means, and list of voters, the National Electoral Committee verifies the number of voters entered in the lists of voters, the number of voters who were given a ballot paper, the number of voters who participated in voting, the number of invalid ballot papers, and the number of affirmative and negative answers to the issue submitted to the referendum.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The National Electoral Committee prepares a record concerning the voting results. The chair of the committee signs the record. The date and time of preparation of the record are indicated in the record.

(3) [Repealed – RT I, 2006.30, 231 – entry into force 14.07.2006]

(4) The ascertaining of the voting results in the National Electoral Committee is public.

## **Chapter 10 EXPENDITURE RELATING TO REFERENDUM**

### **§ 55. Expenditure relating to holding of referendum**

(1) Expenditure for the preparation and organisation of a referendum is covered from the state budget.

(2) [Repealed – RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(3) [Repealed – RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(4) The expenditure of the population register relating to the registration of voters is covered from the state budget out of the funds available therefor in the budget of the Ministry of the Interior or out of funds allocated by the Government of the Republic.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) Expenditure related to the organisation of voting in a foreign state is covered from the state budget out of the funds available therefor in the budget of the Ministry of Foreign Affairs.

[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

(6) Expenditure related to the performance of the functions of the Information System Authority provided in subsection 2 of § 16<sup>1</sup> of this Act is covered out of the funds prescribed for the activities of the Information System Authority in the budget of the State Electoral Office of the Chancellery of the Riigikogu.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

## **Chapter 11 NOTICES AND COMPLAINTS**

[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

### **§ 56. Notice concerning deficiency in referendum management**

(1) A person who finds that the voting manager has infringed their rights or otherwise violated the law, may submit a notice concerning a deficiency in referendum management (hereinafter *notice concerning deficiency*).

(2) A notice concerning deficiency is submitted immediately, but not later than on the third day after the violation specified in subsection 1 of this section.

(3) A notice concerning deficiency is submitted to the State Electoral Office which organises the review of the notice and responding thereto.

(4) A notice concerning deficiency:

1) indicates the name, personal identification code and telecommunications details of the person submitting the notice;

2) describes the act regarding which the notice is submitted.

(5) A notice concerning deficiency is submitted orally or in writing. An oral notice is recorded by the State Electoral Office.

(6) A notice concerning deficiency is reviewed promptly, but not later than within three days after the submission thereof. The person submitting the notice is promptly notified of the results of the review and the measures taken.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 57. Definition of complaint**

For the purposes of this Act, a complaint means a duly completed request filed with the National Electoral Committee for an act of the voting manager to be declared unlawful, and a complaint or appeal filed with the Supreme Court pursuant to the procedure provided in § 60<sup>1</sup> of this Act against a resolution or an act made by the National Electoral Committee.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 58. Right to file complaint**

An individual (hereinafter *interested person*) who find that their rights have been infringed by a contested act has the right to file a complaint.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 59. Requirements for complaint**

(1) A complaint is prepared in writing and it sets out the following:

- 1) the name, personal identification code or in the absence thereof the date of birth, or registry code, address and telecommunications details of the complainant;
- 2) the name, address and telecommunications details of the representative of the complainant where the complainant has a representative;
- 3) the description of the contested act;
- 4) the reasons why the complainant finds that the contested act infringes their rights;
- 5) the reasons why the complainant finds that the contested act is not lawful;
- 6) how and when the complainant became aware of the contested act;
- 7) a request for restoration of the term for filing a complaint and the reasons why the term was allowed to expire, where the complaint is filed after the expiry of the term for filing the complaint;
- 8) the date of filing the complaint.

(2) A complaint is signed by the complainant.

(3) Where a complaint does not meet the requirements prescribed in subsections 1 and 2 of this section or where a complaint has been submitted in violation of the procedure prescribed in § 58 and subsection 1 of § 60 of this Act, the National Electoral Committee may forward the complaint to the State Electoral Office for responding pursuant to the procedure provided in subsection 6 of § 56 of this Act and dismiss the complaint. Where the complainant has allowed the term for submitting the complaint to expire with good reason, the National Electoral Committee restores the term on the basis of their reasoned request.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 60. Review of complaint in National Electoral Committee**

(1) A complaint is filed with the National Electoral Committee within three days after:

- 1) the performance of the contested act or
- 2) the review of a notice provided in § 56 of this Act.

(2) The National Electoral Committee has to review a complaint and adopt a resolution within five working days after receipt of the complaint. The National Electoral Committee promptly communicates the resolution to the complainant.

(3) Where necessary, the National Electoral Committee grants the parties to proceedings a term for submitting an opinion regarding the complaint.

(4) The National Electoral Committee adopts one of the following resolutions:

- 1) to refuse to grant the complaint;
- 2) to grant the complaint;
- 3) to grant the complaint in part.

(4) The National Electoral Committee promptly communicates the resolution to the complainant.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 60<sup>1</sup>. Filing of complaint or appeal against resolution or act of National Electoral Committee**

(1) Where an interested person finds that an act of the voting manager or a resolution or act of the National Electoral Committee infringes their rights, the person may file a complaint or appeal with the Supreme Court pursuant to the procedure prescribed in the Constitutional Review Court Procedure Act.

(2) A complaint or appeal against an act of the voting manager or a resolution or act of the National Electoral Committee may be filed with the Supreme Court after adjudication of the case in the National Electoral Committee. The complaint or appeal is filed with the Supreme Court through the National Electoral Committee within three days after the communication of the resolution or performance of the act of the National Electoral Committee.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 61. Declaration of invalidity of voting results**

(1) Where the National Electoral Committee or the Supreme Court has declared the voting results in a voting district, rural municipality, city or the state invalid, the National Electoral Committee determines a new referendum day, and a repeat vote is held in the respective voting district, rural municipality or city or the whole state. The election results are determined after the results of the repeat vote become clear. Voting results are not declared invalid where the violation does not significantly affect the results of the referendum.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(1<sup>1</sup>) Where the voting results of a voting district are declared invalid, a repeat vote can be given by the voters who voted in the same voting district during advance voting and on the referendum day.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) No repeat vote is held where the National Electoral Committee has annulled the votes cast in the advance voting in part or in whole due to a major violation of law and has called on the voters to vote again during advance voting or on the referendum day.

(3) The provisions of §§ 33, 38 and 40 and Chapters 7<sup>1</sup> and 8 of this Act do not apply to a repeat vote.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **Chapter 11<sup>1</sup> LIABILITY**

[RT I 2006, 30, 231 - entry into force 14.07.2006]

### **§ 61<sup>1</sup>. Taking ballot paper out of polling place**

(1) Violation of the prohibition on taking a ballot paper out of the polling place is punishable by a fine of up to 20 fine units.

[RT I 2006, 30, 231 – entry into force 14.07.2006]

(2) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(3) A police authority conducts extra-judicial proceedings in the matters of misdemeanours provided in subsection 1.

[RT I 2009, 27, 165 – entry into force 01.01.2010]

## **Chapter 12 ANNOUNCEMENT OF RESULTS OF REFERENDUM**

### **§ 62. Approval and announcement of results of referendum**

(1) The National Electoral Committee approves the results of a referendum by a resolution after the referendum day but not before the term for filing complaints or appeals with the National Electoral Committee and the Supreme Court has expired or before final resolutions or judgments have been made in respect of such complaints.

[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(2) In the case prescribed in § 61, the National Electoral Committee approves the results of a referendum after the repeat vote, taking into consideration subsection 1 of this section.

(3) The results of the referendum are deemed declared on the day following the publication of the resolution of the National Electoral Committee in the *Riigi Teataja* pursuant to subsection 1 or 2.

### **§ 63. Promulgation and entry into force of Act passed by referendum**

(1) The National Electoral Committee submits an Act adopted by a referendum and a resolution to approve the results of the referendum to the President of the Republic on the date on which the results of the referendum are announced. The President of the Republic promptly promulgates the Act.

(2) An Act to amend the Constitution which is adopted by a referendum enters into force on the date specified therein but not earlier than three months after the date of promulgation.

(3) Other Acts adopted by a referendum enter into force on the 10<sup>th</sup> day after their publication in the *Riigi Teataja*, unless a different date is prescribed in the Act.

(4) A resolution made on other affairs of the state submitted to a referendum enters into force on the date on which the results of the referendum are announced.

### **§ 64. Declaring of extraordinary Riigikogu elections**

Where a bill submitted to a referendum does not receive a majority of votes in favour, the President of the Republic declares extraordinary Riigikogu elections pursuant to the procedure prescribed in the Riigikogu Election Act, unless the mandate of the members of the Riigikogu who passed the resolution to submit the bill to a referendum has terminated.

### **§ 64<sup>1</sup>. Preservation of ballot papers and voting documents**

(1) A rural municipality or city secretary preserves the ballot papers for one month after the referendum day. After the expiry of this term, but not before final resolutions have been made in respect to any complaints or appeals provided in § 57 of this Act, the rural municipality or city secretary organises the destruction of the ballot papers and documents it.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(2) The State Electoral Office preserves the electronic votes for one month after the referendum day. After the expiry of this term, but not before final resolutions have been made in respect to any complaints or appeals provided in § 57 of this Act, the State Electoral Office:

- 1) publicly destroys the electronic votes, personal data of the voters contained in the electronic voting system and the vote-opening key for electronic votes;
- 2) other parties involved in the organisation of the electronic voting destroy the back-up copies of the electronic voting system in their possession and the personal data of the voters contained in the electronic voting system.

[RT I, 24.05.2024, 1 – entry into force 03.06.2024]

(3) The records of voting results are preserved permanently. The list of voters is preserved permanently in the National Archives.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) The State Electoral Office organises the preservation of the records of voting results, record sheets concerning the ballot papers, and other voting documents.

[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) The rural municipality and city governments organise the preservation of the election equipment in rural municipalities and cities during the period between elections and referenda.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

## **Chapter 13 IMPLEMENTING PROVISIONS**

### **§ 65. Implementation of electronic voting**

Electronic voting is not implemented before 2005.

**§ 66.–§ 70.**[Omitted from this text.]