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Referendum Act

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Amended by the following acts

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| 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, partially 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, partially on the date 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 107 ³ (4) of the Government of the Republic Act in the wording in force as of 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 |

Chapter 1 GENERAL PROVISIONS

§ 1. Issues to be submitted to referendum

(1) The Riigikogu shall submit any amendment of Chapters 1 and 15 of the Constitution to a referendum. The Riigikogu may submit other draft Acts that amend the Constitution, and other draft Acts or other national issues to a referendum.

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

§ 2. Principles of referendum

(1) A referendum is free, general, uniform and direct. Voting shall be secret. Each voter has one vote. The decision of the people shall be reached by a majority of those who participate in the voting.

(2) An Estonian citizen who has attained eighteen years of age by the day of a referendum may participate in the referendum.

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

- 1) he or she is divested of the active legal capacity with regard to the right to vote;
- 2) he or she has been convicted of a crime by a court and is serving sentence in a penal institution.

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

§ 3. Time of referendum

(1) A referendum shall be held not earlier than three months after the passage of a resolution to this effect by the Riigikogu.

(3) A day for a referendum shall be specified by the Riigikogu. The referendum shall be held on a Sunday.

(3) A referendum shall not be initiated or held during a state of emergency or a state of war. A referendum shall not be held at a time when less than ninety days remain until elections to the Riigikogu. A referendum on a draft Act to amend the Constitution or on another national issue may be scheduled for a time after the next elections to the Riigikogu. A referendum on another draft Act shall not be scheduled for a time after the next elections to the Riigikogu. A referendum may be scheduled for the same day as Riigikogu elections or local government council elections.

(4) Referendums shall not be held on the same day on issues which are mutually exclusive or for the passage 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 shall be binding for all state authorities.

Chapter 2 INITIATION OF REFERENDUM

§ 5. Initiation of referendum

The right to initiate a referendum shall be provided for 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 shall decide to hold a referendum pursuant to the procedure provided for in the Riigikogu Rules of Procedure and Internal Rules Act.

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

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

§ 7. Postponement of referendum

(1) A referendum shall be postponed if a state of emergency or a state of war is declared.

(2) If 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 shall determine a new day for the referendum within two weeks after the reasons provided for in subsections (1) and (2) of this Act cease to exist, observing the term prescribed in subsection 3 (1) of this Act which shall be calculated from the date on which the resolution of the Riigikogu determining the new day of the referendum is passed.

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

§ 8. Cancellation of referendum

(1) A referendum shall not be held if:

- 1) the Supreme Court repeals the resolution of the Riigikogu concerning submission of a draft Act or other national issue to a referendum;
- 2) the Riigikogu has not passed a resolution determining a new date for the referendum within the term prescribed in subsection 7 (3);

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

(2) In the case prescribed in clause (1) 1), the National Electoral Committee shall publish a notice concerning cancellation of a referendum within seven working days as of the entry into force of the judgment of the Supreme Court.

(3) In the case prescribed in clause (1) 2), the National Electoral Committee shall publish a notice within seven working days as of the expiry of the term prescribed in subsection 7 (3).

(4) In the case prescribed in clause (1) 3), the National Electoral Committee shall publish a notice within seven working days as of extraordinary Riigikogu elections being called.

§ 9. Publication of resolutions and notices concerning referendum

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

(2) Resolutions to hold a referendum and draft Acts to be submitted to a referendum shall be published for a second time between seven days and fourteen 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) On the day of a referendum, active campaigning in favour of or against the issue submitted to a referendum or relating to participation in or refusal to participate in the referendum is prohibited.

(2) Campaigning is prohibited in polling places and in premises through which voters enter polling places.
[RT I 2002, 57, 355 - entry into force 18.07.2002]

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]

Division 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 for in subsection 2 (1) of this Act, to ascertain the voting results across the whole country, to exercise supervision over the activities of the voting managers, to settle 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 precept to the voting manager for the protection of the principles provided for in subsection 2 (1) of this Act or ensuring the subjective rights of a person;
- 2) to annul the votes cast in the advance voting partially or in full due to material violation of the law and call on the voters to vote again during advance voting or on the day of the referendum;
- 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 full or partially and to hold a repeat vote if 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 terminate electronic voting if the security or reliability of the electronic voting system cannot be insured in such way that electronic voting could be conducted pursuant to the requirements of this Act.

(3) To resolve an issue within the competence of the National Electoral Committee, the National Electoral Committee shall adopt a resolution which shall be signed by the Chairman of the Committee. A resolution shall enter into force upon signature.

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

Division 2

Voting managers

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

§ 13. Voting managers

(1) Voting shall be 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 shall be provided for in the Riigikogu Election Act.

(3) The procedure for appointment to office and substitution of a rural municipality and city secretary shall be provided for in the Local Government Organisation Act.

(4) The functions of a rural municipality or city vote counting committee during a referendum shall be performed by a rural municipality or city electoral committee formed pursuant to the procedure provided for in the Municipal Council Election Act.

(5) A person managing the voting must have the right to vote pursuant to subsections 2 (2) and (3) of this Act and be proficient in Estonian.

(6) A person managing the voting and a person who provides assistance to him or her shall be independent in the performance of his or her duties and he or she shall not campaign to vote for or against the issue submitted to a referendum or relating to participation in or refusal to participate in the referendum.

(7) A person managing the voting, a rural municipality or city government official or employee, or another person shall be 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 the referendum in accordance with law, to organise electronic voting and ascertain the results of electronic voting;
- 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 the Acts;
- 4) to perform other duties arising from this Act.

(2) For the performance of their functions, the State Electoral Office:

- 1) shall give written instructions to the voting managers for ensuring the uniformity of the referendum;
- 2) shall issue oral and written orders to the voting managers, which are mandatory for performance;
- 3) shall prepare a draft budget for the preparation and holding of the referendum and submit it to the Government of the Republic through the minister responsible for the area;
- 4) shall distribute among the local authorities, upon approval of the National Electoral Committee, the funds allocated for holding of the referendum and establish 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) shall ensure the availability of the inventory and services necessary for holding of the referendum;
5¹) shall establish the procedure for forwarding to the voting district committees and the distribution areas of the election equipment and envelopes with the ballot papers of voters who voted outside their residence;
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

5²) shall establish the procedure for use and preservation of the election equipment;
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

6) shall instruct and train 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) if necessary, shall make a proposal to the National Electoral Committee for adopting of the resolutions provided for in clauses 12 (2) 2)–4) of this Act.

(3) The Head of the State Electoral Office shall sign a written order of the State Electoral Office. A written order shall enter into force upon signature thereof.

[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]

§ 15¹. Competence of rural municipality or city secretaries

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

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

1) shall issue mandatory instructions to the voting district committees;

2) shall decide on the costs of a voting district committee based on the amount of the funds allocated by the State Electoral Office;

3) shall decide on the remuneration of a member of a voting district committee on the proposal of the chairman of a voting district committee;

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

(3) Clerical support to a rural municipality or city secretary shall be organised by the rural municipality or city government.

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

§ 16. Assistance to voting managers

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

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

§ 17. Formation of voting districts

(1) At least one voting district shall be formed within the territory of each rural municipality and city, and of the city district of Tallinn.

(2) The rural municipality or city government shall determine the following by a regulation not later than on the fiftieth day before the day of the referendum:

1) the number, boundaries and numeration of the voting districts;

2) the locations of polling places on the advance voting days and on the day of the referendum;

3) at least one voting district where voters can vote outside the voting district of their residence;

4) a voting district where voters can vote if the information on their residence in the rural municipality or city is entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district.

(3) Voting districts are permanent. Voting shall be held in the same voting districts for Riigikogu, local government 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. To prepare a regulation specified in subsection (2) of this section, the rural municipality or city government shall enter the information set out in same subsection in the population register.

(4) A polling place or polling places of a voting district may be situated in different locations on each day of the advance voting.

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

§ 18. Formation of voting district committee

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

(2) The council shall appoint the chairman 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 twentieth day before the day of the referendum.

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

(4) Political parties entered in the non-profit associations and foundations may present one member candidate for a voting district committee to the rural municipality or city secretary not later than on the fortieth day before the day of the referendum.

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

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

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

(8) The council shall appoint, 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 shall elect a deputy chairman of the voting district committee from among its members.

(10) The authority of a voting district committee shall continue until declaration of the results of the referendum or publication of a notice provided for in § 8 of this Act concerning cancellation of the referendum. If the Riigikogu passes a resolution concerning the holding of another referendum before the authority of the voting district committee terminates, the authority of the voting district committee shall be 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 territory of a voting district at a polling place, the residence or location of a voter, in custodial institutions, hospitals and twenty-four hour social welfare institutions, to ascertain voting results in the voting district and perform other functions arising from this Act.

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

§ 20. Working procedures of voting district committee

(1) Unless a member of a voting district committee is able to perform his or her duties, he or she shall be substituted upon a notice of the chairman of a voting district committee by an alternate member who shall have all the rights and obligations of the member of a voting district committee, except the rights and obligations of the chairman or deputy chairman. 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 shall be organised by the rural municipality or city government.

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

§ 20¹. Observation of referendum

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

(2) An observer must introduce himself or herself before the commencement of the observation.

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

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

(5) An observer shall have no right to examine the list of voters, except in order to verify the accuracy of the information entered in the list of voters regarding him or her.

(6) If, due to shortage of space, it is impossible to ensure equal conditions to all observers for monitoring the procedure, the observation shall be 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. Maintaining of records on voters

(1) Voters shall be registered in the population register.

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

(3) Voters shall be registered on the basis of the information specified in subsection 17 (2) of this Act and entered in the population register, and the following information regarding a person entered in the population register:

- 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;
- 6) information on place of residence.

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

(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 a rural municipality or city secretary provided for in this Chapter, notifying thereof the controller of the population register.

[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 for in this Chapter.

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

§ 22. Voter's card

(1) The controller of the population register shall organise the preparation of voter's cards and their sending to voters not later than on the twentieth day before the day of the referendum. A voter's card shall not be sent to a voter if the information on his or her residence is entered in the population register on the initiative of a local government to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district. If several referendums are held on the same day, only one voter's card shall be sent to each voter.

(2) The following shall be entered in the voter's card:

- 1) given name and surname of voter;
- 2) year of birth of voter;
- 3) residential address of voter;
- 4) the name of the rural municipality or city and the number of the voting district where the voter is entered in the list of voters;
- 5) the time and place of voting on advance voting days and the day of the referendum;
- 6) the referendum issue or the title of the draft Act and a notation concerning publication of the draft Act in the *Riigi Teataja*;
- 7) other information concerning voting.

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

(2¹) A voter may order an electronic voter's card. To order an electronic voter's card, a voter shall submit an application to the controller of the population register through the Estonian information gateway. For the following elections and referendums, a voter shall be sent an electronic voter's card without the need to re-submit the application.

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

(3) A voter who has not received a voter's card by the fifteenth day before the day of the referendum or whose voter's card contains incorrect information may file an application with a rural municipality or city secretary for clarification to be given or errors to be corrected. The rural municipality or city secretary shall promptly review

the application together with the person who prepared the voter's card and shall respond to the application in writing within three working days as of receiving the application.

§ 23. List of voters

(1) The controller of the population register shall organise the preparation and printing of the lists of voters for each voting district on the basis of the information held in the population register and shall organise the delivery of lists of voters to the voting district committees by the day before the day of the referendum. The electronic lists of voters shall be sent to the State Electoral Office not later than by the thirteenth day before the day of the referendum.

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

(2) The basis for the preparation of list of voters shall be the information prescribed in subsection 21 (3), as at the thirtieth day before the day of the referendum. Upon preparation of the list of voters, any changes made to the information specified in clauses 21 (3) 1)–5) later than the thirtieth day before the day of the referendum shall also be taken into account. Any changes made to the residential address after the thirtieth day before the day of the referendum shall not be taken into account.

(3) A person shall not be entered in a list of voters if he or she has been convicted of a criminal offence by a court pursuant to information held in the punishment register and if, as at the thirtieth day before the day of the referendum, he or she is to be imprisoned until the day of the referendum.

(4) A voter shall be entered in the list of voters of the voting district in the territory of which his or her residence, as entered in the population register, is located on the thirtieth day before the day of the referendum. If the information on the residence of a voter is 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 voter shall be entered in the list of voters of a voting district determined pursuant to clause 11 (2) 5).

(5) The following information on each voter shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address.

(6) Voters shall be entered in a list of voters in alphabetical order according to their surname.

(7) The person who prepares a list of voters shall sign the list of voters not later than on the seventh day before the day of the referendum and the chairman of the voting district committee shall sign the list of voters on the day of the referendum after the close of voting. The Head of the State Electoral Office shall sign the list of voters who voted using electronic means after the close of voting.

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

(8) [Repealed - RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 24. Accessibility of list of voters

(1) A voter may check the correctness of information entered in the list of voters concerning him or her.

(2) After the day of the referendum, a voter may, in the event of justified interest and with the permission of the State Electoral Office, examine the list of voters to the extent necessary and the list may be used for scientific purposes.

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

§ 25. Checking correctness of information entered in list of voters and correction of information

(1) If a voter finds that information entered in the list of voters concerning him or her contains errors, he or she shall submit an application for correction of the errors to the voting district committee which shall promptly forward it to the rural municipality or city secretary.

(2) The rural municipality or city secretary shall promptly review the application together with the person who prepared the list of voters and shall respond to the applicant and inform the voting district committee of the results of the review.

(3) The voting district committee shall correct the error in the list of voters on the basis of a notice issued by the rural municipality or city secretary.

(4) If it is clear from the documents submitted to a voting district committee that the information entered in the list of voters contains errors, the voting district committee may correct the errors. The rural municipality or city secretary shall be promptly informed of the correction of errors.

§ 26. Making amendments to list of voters

(1) The list of voters shall be amended only if:

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

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 shall submit an application to be entered in the population register or an application for the amendment of register information which is the basis for the registration of voters to a rural municipality or city secretary. The rural municipality or city secretary shall review the application together with the person who prepared the list of voters and shall promptly respond to the person.

(3) If a person is entered in the population register or if register information which is the basis for the registration of voters is amended such that this brings about the entry of the person in a list of voters, the rural municipality or city secretary shall promptly notify the voting district committee thereof.

(4) A voting district committee shall make an amendment in a list of voters on the basis of a notice issued by the rural municipality or city secretary.

(5) If a rural municipality or city secretary denies an application specified in subsection (2), the applicant may file an action with an administrative court of his or her residence against the act of the rural municipality or city secretary. The action shall be filed with the rural municipality or city secretary who shall forward the action and his or her written explanation to the administrative court of his or her location within twenty-four hours as of the receipt of the action.

(6) The administrative court shall review the action and make a judgment within three working days after receipt of the action.

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

1) to dismiss the complaint;

2) to satisfy 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 information which is the basis for the registration of voters.

(8) If the administrative court satisfies the complaint, the person shall be promptly entered in the population register or the information pertaining to him or her shall be amended and the voting district committee shall be promptly notified thereof.

Chapter 7

VOTING PROCEDURE

§ 27. Polling place

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

(2) A polling place shall have places for the distribution of ballot papers, voting booths and a ballot box. In a voting district where voters can vote outside the voting district of their residence, the polling place shall have a separate voting booth and a separate ballot box for voters voting outside the voting district of their residence during advance voting.

(3) If a draft Act is submitted to a referendum, voters may examine the draft act in the polling places.

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

§ 28. Voting booth

(1) A voting booth shall be positioned in a manner which enables voting to be secret.

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

§ 29. Ballot box

(1) Voting district committees shall inspect and seal ballot boxes before voting opens. Ballot boxes sealed before the start of advance voting shall be used for advance voting only.

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

(3) After the close of voting on advance voting days, the voting district committee shall seal the opening of the ballot box used for advance voting.

§ 30. Ballot paper

(1) If a draft Act is submitted to a referendum, the title of the draft Act or, pursuant to a resolution of the Riigikogu, the text of the draft Act, the question “*Kas Teie olete seaduseelnõu seadusena vastuvõtmise poolt?*” [Are you in favour of passage of the draft Act?] and spaces marked with the possible answers “*jah*” [yes] and “*ei*” [no] shall be entered on the ballot paper. If another national issue is submitted to a referendum, the wording of the issue and spaces marked with the possible answers “*jah*” [yes] and “*ei*” [no] shall be entered on the ballot paper.

(2) The National Electoral Committee shall establish the standard format of ballot papers and electronic votes.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(3) The State Electoral Office shall organise 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 receiving the ballot papers, the voting district committee shall put an impression of the seal of the voting district committee to the ballot papers. The State Electoral Office shall put an impression of the seal to ballot papers used in foreign states and on board ships.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 31. Time of voting

(1) Voting on the day of the referendum shall open at 9 a.m. and close at 8 p.m.

(2) Advance voting shall be held:

1) from the tenth day to the seventh day before the day of the referendum in a voting district designated by the State Electoral Office. Voting shall open at 12 a.m. and close at 8 p.m.;

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

2) from the sixth day to the fourth day before the day of the referendum in all voting districts. Voting shall open at 12 a.m. and close at 8 p.m. Voting at the location of a voter, in custodial institutions, hospitals and twenty-four hour social welfare institutions shall be organised between 9 a.m. and 8 p.m.;

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

3) from the tenth day to the fourth day before the day of the referendum by electronic means. Voting shall open at 9 a.m. on the tenth day before the day of the referendum and shall last twenty-four hours a day until the close of voting at 6 p.m. on the fourth day before the day of the referendum.

(3) Home voting shall be held on the day of the referendum in the cases prescribed in this Act.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 32. Voting

(1) A voter shall vote in the voting district where he or she is entered in the list of voters, except in the cases prescribed in §§ 34–38 and 40 and in Chapter 7¹ and 8.

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

(2) In order to receive a ballot paper, a voter shall present an identity document to the voting district committee. The voter shall sign the list of voters against receipt of the ballot paper.

(3) The voter shall complete the ballot paper in a voting booth.

(4) The voter shall indicate his or her answer on the ballot paper in the space marked “*jah*” [yes] or “*ei*” [no].

(5) The voter shall complete the ballot paper himself or herself. If he or she is unable to complete the ballot paper himself or herself due to a physical disability, another person may do so at his or her request and in his or her presence.

(6) The voter shall not take the ballot paper out of the polling place. If the voter spoils the ballot paper, he or she has the right to receive another ballot paper from the voting district committee. The voter shall return the spoilt or unused ballot paper to the voting district committee.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

(7) After completing the ballot paper, the voter shall fold the ballot paper and hand it to a member of the voting district committee who shall put an impression of the seal of the voting district committee on the outside of the folded ballot paper.

(8) The voter shall deposit the ballot paper in the ballot box himself or herself. If he or she is unable to deposit the ballot paper in the ballot box himself or herself due to a physical disability, another person may do so at his or her request and in his or her presence.

§ 33. Advance voting

- (1) Advance voting shall be 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 at the advance voting.
- (3) At least three members of a voting district committee shall hold the advance voting.
- (4) A member of the voting district committee shall mark the date of voting in the list of voters concerning each person who has voted.
- (5) The voting district committee shall keep the ballot box and voting documents on advance voting days and the following days such that only members of the voting district committee have access to these.

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

- (1) On advance voting days (subsection 31 (2)), voters may vote outside the voting district of their residence in a voting district designated by the State Electoral Office or by rural municipality or city government.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

- (2) A voting district committee designated by the rural municipality or city government shall organise voting outside the voting district of residence on the days prescribed in clause 31 (2) 2) of this Act. The rural municipality or city government may designate a voting district committee which, in addition to advance voting, organises voting only at the location of a voter (§ 36) or in custodial institutions, hospitals and twenty-four hour social welfare institutions (§ 38).
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

- (3) The State Electoral Office shall designate, not later than on the forty-fifth day before the day of the referendum, at least one voting district located in a county town, where voters can vote outside the voting district of their residence on the days prescribed in clause 31 (2) 1) of this Act.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

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

- (1) A voter who wishes to vote in a polling place outside the voting district of his or her residence shall present an identity document to a member of the voting district committee and the voter shall be entered in the list of voters voting outside the voting district of their residence.
- (2) A member of the voting district committee shall issue a ballot paper and two envelopes to the voter. The voter shall sign the list of voters voting outside the voting district of their residence against the receipt of a ballot paper.
- (3) The voter shall complete the ballot paper pursuant to the provisions of subsections 32 (3)–(6).
- (4) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope with the ballot paper in the other envelope given by the member of the voting district committee. The voter or the member of the voting district committee shall write the name, personal identification code and residential address of the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters voting outside the voting district of their residence.

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

- (1) If a voter who wishes to vote outside the voting district of his or her residence is unable to vote at a polling place located in a voting district due to his or her state of health or for another good reason, he or she may, until 2 p.m. on the last day of advance voting, submit a written application to vote at his or her location to the rural municipality or city government of his or her location or to a voting district committee designated pursuant to the procedure prescribed in subsection 34 (2). The voting district committee shall register the application. The rural municipality or city government shall register the application and forward it to the appropriate voting district committee.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

- (2) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 27 (3), 32 (4)–(6) and 35 (1), (2) and (4).

§ 37. Electronic voting

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

§ 38. Voting in custodial institutions, hospitals and twenty-four hour social welfare institutions

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

(1) Voting in custodial institutions, hospitals and twenty-four hour social welfare institutions shall be held on the days prescribed in clause 31 (2) 2) of this Act.

(2) The administration of a custodial institution, hospital and twenty-four hour social welfare institution shall submit an application for voting to be held to the voting district committee prescribed in subsection 34 (2) of this Act.

(3) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsection 27 (3), subsections 32 (4)–(6) and subsections 35 (1), (2) and (4) of this Act.

(4) Upon ascertaining of the voting results, the votes of voters who voted at advance voting in a custodial institution, hospital and twenty-four hour social welfare institution shall be taken into account pursuant to the provisions of § 41 of this Act.

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

§ 39. Home voting

(1) If a voter is unable to vote at a polling place due to his or her state of health or for another good reason, he or she may apply to vote at home.

(2) In order to vote at home, a voter shall submit a written application to the rural municipality or city government or to the voting district committee of his or her residence by 2 p.m. on the day of the referendum and the voting district committee shall register the application. If the application is submitted to the rural municipality or city government, the rural municipality or city government shall register the application and forward it to the corresponding voting district committee.

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

(2¹) A voter may submit an application to vote at home also by phone to the voting district committee of his or her residence from 9 a.m. to 2 p.m. on the day of the referendum. The voting district committee shall register the application.

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

(2²) An application to vote at home shall 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.

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

(2³) If the voting district committee finds that the application is unsubstantiated, the committee shall notify the applicant of the circumstances for dismissal of the application.

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

(3) Home voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 27 (3) and 32 (1), (2), (4), (5), (6) and (8).

(4) A home voter shall sign the list of home voters against the receipt of a ballot paper.

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

(1) A voter residing in a foreign state who has been entered in the list of voters permanently residing in a foreign state and who has not voted pursuant to the procedure provided for in Chapter 8 may vote during advance voting in any voting district designated pursuant to the procedure provided for in the first sentence of subsection 34 (2), or in subsection 34 (3).

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

(2) In order to obtain a ballot paper, a voter shall present an identity document to the voting district committee and shall be entered in the list of voters voting outside the voting district of their residence.

(3) A member of the voting district committee shall issue a ballot paper and two envelopes to the voter. The voter shall sign the list of voters voting outside the voting district of their residence against the receipt of a ballot paper.

(4) The voter shall complete the ballot paper pursuant to the provisions of subsections 32 (3)–(6).

(5) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope with the ballot paper in the other envelope given by the member of the voting district committee. The voter or the member of the voting district committee shall write the name, personal identification code and residential address of the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters voting outside the voting district of their residence.

(6) Upon the ascertaining of voting results, votes cast pursuant to the procedure prescribed in this section shall be taken into account pursuant to the provisions of subsections 41 (1) and (2) and subsections 48 (2)–(6).

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

(1) The envelopes with the ballot papers of persons who voted outside the voting district of their residence shall be forwarded to the voting district committees of the voters' residence not later than on the day preceding the day of the referendum.

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

(2) A voting district committee shall pack envelopes with the ballot papers of voters by rural municipalities and cities and forward these to a rural municipality or city secretary, who shall forward these to the State Electoral Office pursuant to the procedure established on the basis of clause 14 (2) 5¹ of this Act.

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

(3) A rural municipality or city secretary shall forward envelopes with the ballot papers of the voters of the secretary's rural municipality or city received pursuant to the procedure established on the basis of clause 14 (2) 5¹ of this Act to the relevant voting district committees.

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

(4) After receipt of the envelopes with ballot papers pursuant to the procedure prescribed in subsection (3), the voting district committee shall check that each voter is entered in the list of voters of the voting district and that he or she has not voted more than once. At least three members of a voting district committee must be present when ballot papers are checked.

(5) If a voter is not entered in the list of voters of the voting district or he or she has voted more than once outside the voting district of his or her residence, the voting district committee shall not take into account any of the ballot papers of the voter.

(6) If the voter has voted once, a member of the voting district committee shall make a notation in the list of voters concerning voting at the advance voting.

(7) After performing the acts prescribed in subsections (4)–(6), the voting district committee shall open the outer envelopes, deposit the inner envelopes with ballot papers in the ballot box used at the advance voting and seal the opening of the ballot box again.

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

§ 41¹. Taking votes cast using electronic means into account

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

Chapter 7¹ ELECTRONIC VOTING

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

§ 41². Organisation of electronic voting

Electronic voting shall be organised at the time provided for in clause 31 (2) 3) of this Act and pursuant to the procedure provided for in § 41³ of this Act and §§ 48²–48³ and 48⁵–488 of the Riigikogu Election Act.

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

§ 41³. Electronic voting procedure

(1) A voter may vote using electronic means on the days prescribed in clause 31 (2) 3) of this Act using the system provided for in subsection 48²(1) of the Riigikogu Election Act.

(2) A voter shall be identified in the electronic voting system using electronic means pursuant to the procedure described in the decision provided for in clause 48²(3) 1) of the Riigikogu Election Act.

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

(4) A voter shall mark the answer “*jah*” [yes] or “*ei*” [no] and confirm the vote by a digital signature in conformity with the Electronic Identification and Trust Services for Electronic Transactions Act.

[RT I, 25.10.2016, 1 - entry into force 26.10.2016]

(5) A notice that the vote has been taken into account shall be 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 shall be organised by foreign missions of Estonia.

(2) A consular authority led by an honorary consul the honorary consul of which is an Estonian citizen may be designated to organise voting by an order of the Government of the Republic. In such case, the consular authority led by the honorary consul shall perform the acts prescribed in this Chapter.

[RT I 2009, 29, 175 - entry into force 01.07.2009]

(3) Voting shall be organised by the head of a foreign mission or an official designated by him or her. In the case prescribed in subsection (2), voting shall be organised by an honorary consul or a person designated by him or her. The person who organises voting must have the right to vote in accordance with § 2.

(4) The controller of the population register shall organise the forwarding of lists of voters permanently residing in foreign states to the foreign missions. The following information shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) details of residential address, if known.

(5) Voters permanently residing in a foreign state and voters temporarily staying in a foreign state based on the data in the population register shall be sent electronic voter's cards not later than on the sixtieth day before the day of the referendum. To receive a voter's card, a voter shall submit an application pursuant to the procedure provided for in subsection 22 (2¹) of this Act.

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

(6) The following shall be entered in the voter's card:

- 1) given name and surname of voter;
- 2) year of birth of voter;
- 3) residential address of voter;
- 4) address of foreign mission;
- 5) procedure for submitting application to vote by post, for voting by post and for voting at foreign mission;
- 6) due date for receipt by foreign mission of applications to vote by post;
- 7) due date for receipt by foreign mission of ballot papers sent by post;
- 8) time of voting at foreign mission;
- 9) time of electronic voting;
- 10) referendum issue or title of draft Act submitted to referendum;
- 11) other information concerning voting.

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

§ 43. Submission of applications to vote

(1) If a voter wishes to vote by post, he or she shall send a corresponding application to the Estonian foreign mission in the country of his or her habitual residence. If there is no Estonian foreign mission in the country of habitual residence of the voter, he or she shall send the application to the nearest Estonian foreign mission.

(2) A voter who has been entered in the list of voters permanently residing in a foreign state shall:

- 1) append a copy of the page of his or her identity document containing personal data to the application;

2) indicate in the application his or her residential address in the foreign state.

(3) A voter who has not been entered in the list of voters permanently residing in a foreign state shall:

1) append copies of documents which certify his or her identity and that he or she has the right to vote in accordance with § 2 to the application;

2) indicate his or her residential address in the foreign state;

3) indicate his or her last residence in Estonia (the county, or the city district in Tallinn, or the city of Tartu). If a voter permanently residing in a foreign state has not had a residence in Estonia, he or she shall indicate in the application the last residence of his or her parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state shall indicate his or her residential address in Estonia in the application in addition to the information prescribed in clauses (2) 1) and 2).

(5) Applications shall reach the foreign mission not later than on the thirtieth day before the day of the referendum.

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

§ 44. Sending of voting documents to voters

On the thirtieth day before the day of the referendum, a foreign mission shall send 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 shall complete a ballot paper pursuant to the requirements of this Act. The voter shall place the completed ballot paper in one of the envelopes sent by the foreign mission. The voter shall place the envelope with the ballot paper in the other envelope sent by the foreign mission. The voter shall write his or her name and personal identification code on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope. Thereafter the voter shall send the ballot paper to the foreign mission.

(2) Ballot papers sent by post shall reach the foreign mission on the day determined by the foreign mission, which shall be determined such that the State Electoral Office will receive the ballot papers not later than on the fourth day before the day of the referendum.

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

(3) A foreign mission shall prepare a list of voters who voted by post and shall forward the list to the State Electoral Office. The list shall reach the State Electoral Office not later than on the fourth day before the day of the referendum.

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

(4) Upon voting by post, the expenses relating to the acts specified in subsection 43 (1) and subsection (1) of this section shall be borne 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 mission

(1) If a voter does not submit an application to vote by post within the term provided for in subsection 43 (5) or does not send a ballot paper to the foreign mission by the due date provided for in subsection 45 (2), he or she may vote at the foreign mission at a time determined by the foreign mission.

(2) A foreign mission shall allow voting on at least two days in the period between the fifteenth day and the tenth day before the day of the referendum.

(3) At a foreign mission, a voter shall complete a ballot paper pursuant to the requirements of this Act. Thereafter the voter shall place the completed ballot paper in an envelope. The voter shall place the envelope with the ballot paper in another envelope. The voter or the person organising the voting shall write the name and personal identification code of the voter on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope.

(4) A person who votes at a foreign mission shall sign the list of voters voting at the foreign mission against the receipt of a ballot paper.

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

(1) As the voting results are being ascertained, the ballot papers which have been sent to the State Electoral Office by a foreign mission and which have arrived not later than on the fourth day before the day of the referendum shall be taken into account.

(2) When the State Electoral Office has received the envelopes with ballot papers of voters permanently residing in a foreign state, the Committee shall verify that the voters permanently residing in a foreign state have not voted several times and that the voters permanently residing in a foreign state who voted in Estonia are entered in the list of voters permanently residing in a foreign state.

(3) If a voter permanently residing in a foreign state has voted several times with a ballot paper or if he or she has not been entered in the list of voters permanently residing in a foreign state, the State Electoral Office shall not take into account any of the envelopes with ballot papers of the voter. If a voter has voted using electronic means as well as with a ballot paper, the ballot paper of the voter shall be taken into account. If a voter has voted several times with a ballot paper and using electronic means, all envelopes with ballot papers of the voter as well as the vote cast at foreign mission shall not be taken into account.

(4) The voting results of voters permanently residing in a foreign state shall be ascertained by Tallinn City Vote Counting Committee.

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

(5) The State Electoral Office shall forward the ballot papers of voters permanently residing in a foreign state to the vote counting committee provided for in subsection (4) of this section not later than on the second day before the day of the referendum.

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

(6) Envelopes with the ballot papers of voters permanently residing in a foreign state shall be opened on the day of the referendum in order to ascertain voting results.

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

(7) Not later than on the day before the day of the referendum, the State Electoral Office shall forward the envelopes with the ballot papers of voters temporarily staying in a foreign state through the rural municipality and city secretaries to the voting district committees where the ballots are to be taken into account when the voting results are being ascertained pursuant to subsections 41 (4)–(7) of this Act.

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

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

(1) If a ship flying the national flag of the Republic of Estonia has voters on board and is located in international waters or waters of a foreign state on advance voting days or the day of the referendum, the master of the ship may submit an application to the State Electoral Office to hold voting on board the ship.

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

(2) The master of a ship shall organise voting on board the ship pursuant to the provisions of this Act not earlier than on the thirtieth day before the day of the referendum. A voter shall vote on board a ship pursuant to the provisions of subsections 35 (3) and (4). Upon ascertaining of the voting results, votes cast on board a ship shall be taken into account pursuant to the provisions of subsections 48 (1) and (7) and 41 (4)–(7).

Chapter 9 ASCERTAINING OF VOTING RESULTS

§ 50. Ascertaining of voting results in voting district committee

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

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

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

(3) Before the ballot boxes are opened, the voting district committee shall ascertain, on the basis of the list of voters, the number of voters, and, on the basis of the signatures given in receipt of a ballot paper and notations made, the preliminary number of those who participated in the voting, and immediately forward these to the State Electoral Office. Notations concerning voters who voted in the advance voting outside the voting district of their residence, using electronic means or at home made in the list of voters shall be considered. The number of voters shall be entered in a standard format record.

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

(4) When a ballot box is opened, the condition of the impression of the seal on the box shall be inspected.

(5) The impression of the seal of the voting district committee shall be put on the outside of ballot papers of home voters, and the ballot papers shall be placed among the ballot papers of voters who voted at the polling place.

(6) An impression of the seal of the voting district committee shall be put on the outside of ballot papers of voters who voted outside the voting district of their residence, and these ballot papers shall be placed together with the ballot papers of persons who voted at the advance voting among the ballot papers of persons who voted on the day of the referendum.

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

(7) The voting district committee shall verify the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers and the number of affirmative and negative responses to the issue submitted to the referendum, and shall enter these numbers in a standard format record.

(8) A ballot paper shall be deemed to be invalid if:

- 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.

(9) A ballot paper is valid if neither of the spaces for answers have been completed on the paper but the will of the voter is clear and unambiguous.

(10) A standard format record shall be prepared concerning the ascertaining of the voting results. The chairman of the committee shall sign the record. The date and time of preparation of the record shall be indicated in the record.

(11) After ascertaining of the voting results, valid ballot papers shall be packed as per the answer given. Invalid ballot papers, ballot papers which were not issued to voters and spoiled ballot papers returned by voters shall be packed separately. The voting district from which the ballot papers originate and the type and number of ballot papers in the pack shall be marked on the pack. The chairman of the voting district committee shall sign the notation.

(12) Ballot papers, lists of voters and records concerning voting results shall be promptly forwarded to a rural municipality or city secretary.

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

(13) Voting results shall be ascertained publicly in a voting district committee.

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

§ 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 permanently residing in foreign state

(1) Tallinn City Vote Counting Committee shall organise the counting of the votes and decide on the validity of a ballot paper.

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

(2) The vote counting committee shall begin counting the votes cast by voters permanently residing in a foreign state not earlier than at 6 p.m. on the day of the referendum. At least three members of the vote counting committee, including the chairman of Tallinn City Vote Counting Committee, shall be present at the opening of the envelopes.

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

(3) The inner envelopes which contain the ballot papers of voters permanently residing in a foreign state shall be opened and an impression of the seal shall be put on the outside of the ballot papers.

(4) On the basis of the ballot papers, the vote counting committee shall verify the number of voters permanently residing in a foreign state who participated in the voting, the number of invalid ballot papers and the number of affirmative and negative responses to the issue submitted to the referendum. Ballot papers shall be declared invalid pursuant to the provisions of subsections 50 (8) and (9) of this Act.

(5) The voting results of voters permanently residing in a foreign state shall not be disclosed before 8 p.m.

(6) A standard format record signed by the chairman of Tallinn City Vote Counting Committee shall be prepared with regard to ascertaining the voting results of voters permanently residing in a foreign state. The date and time of preparation of the record shall be indicated therein.

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

(7) The voting results of voters permanently residing in a foreign state shall be ascertained publicly. Persons who are present at the counting of votes shall follow any oral orders given by members of the vote counting committee. Persons who are present at the counting of votes shall not bring any means of communication into the room where the votes are counted or leave the room before 8 p.m.

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

§ 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 for in subsection 13 (4) of this Act shall organise the counting of the votes and decide 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 received from the voting district committees, the vote counting committee shall verify the number of voters entered in the lists of voters, 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 responses to the issue submitted to the referendum. The result obtained shall be checked by recounting the ballot papers.

(3) If the numbers obtained by recounting the ballot papers are different from the numbers in the records of a voting district committee, the vote counting committee shall set out the differences and the circumstances which caused such differences in the appendix to the record. Records of the voting district committee shall not be amended. The vote counting committee shall adopt a resolution concerning the final voting results.

(4) The vote counting committee shall prepare a record concerning the voting results in a rural municipality or city, which shall be signed by the chairman of the rural municipality or city election committee. The date and time of preparation of the record shall be indicated therein.

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

(5) Voting results shall be ascertained publicly.

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

§ 53¹. Counting of votes cast using electronic means

(1) The State Electoral Office shall ascertain the results of electronic voting after 7 p.m. on the day of the referendum.

(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 shall be present at the counting of votes.

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

- 1) shall annul the electronic votes, which have been changed by the ballot papers when voting;
- 2) shall separate the electronic votes subject to counting from the personal data of the voters.

(4) To count the electronic votes, the members of the National Electoral Committee and the State Electoral Office shall use the means of access provided for in subsection 48³(3) of the Riigikogu Election Act, which ensure access to the vote-opening key.

(5) The State Electoral Office shall verify the following with regard to each voting district and voters who have permanently voted in a foreign state:

- 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 clause (3) 1) of this section;
- 4) the number of affirmative and negative responses to the issue submitted to the referendum.

(6) An electronic vote which does not contain a response to the issue submitted to the referendum or which is not in conformity with the standard format established by the National Electoral Committee shall be null and void.

(7) Counting of votes cast using electronic means shall be public. Persons who are present at the counting of votes shall follow the oral orders of the persons designated by the Head of the State Electoral Office. Persons who are present at the counting of votes shall not bring any means of communication into the room where the votes are counted or leave the room before 8 p.m.

(8) The voting results shall not be disclosed before 8 p.m.

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

(10) The Head of the State Electoral Office shall sign the results of electronic voting after the 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 and voters permanently residing in a foreign state which are received from all the rural municipality or city secretaries and on the basis of the voting results of people who voted electronically, the National Electoral Committee shall verify 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 responses to the issue submitted to the referendum.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(2) The National Electoral Committee shall prepare a record concerning the voting results. The chairman of the committee shall sign the record. The date and time of preparation of the record shall be indicated in the record.

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

(4) The voting results shall be ascertained in the National Electoral Committee in public.

Chapter 10 EXPENDITURE RELATING TO REFERENDUM

§ 55. Expenditure relating to holding of referendum

(1) Expenditure for the preparation and holding of a referendum shall be 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) Expenditure relating to keeping records of voters shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of the Interior or out of amounts allocated by the Government of the Republic.

(5) Expenditure related to the organisation of voting in a foreign state shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of the Interior.
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

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 his or her 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 shall be submitted immediately, but not later than on the third day as of the violation specified in subsection (1) of this section.

(3) A notice concerning deficiency shall be submitted to the State Electoral Office, which shall organise the review of the notice and responding thereto.

(4) A notice concerning deficiency shall:

- 1) indicate the name, personal identification code and data on the telecommunications of the person submitting the notice;
- 2) describe the act regarding which the notice is submitted.

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

(6) A notice concerning deficiency shall be reviewed promptly, but not later than within three days as of the submission thereof. The person submitting the notice shall be 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 is a request filed with the National Electoral Committee for an act of the voting manager to be declared unlawful and an appeal filed with the Supreme Court pursuant to the procedure provided for in § 60¹ of this Act against a resolution or act made by the National Electoral Committee, which is prepared according to the requirements of this Act.

[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 shall have 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 shall be prepared in writing and shall set out the following:

- 1) the name, personal identification code or in the absence thereof date of birth, or registry code, address and data on the telecommunications of the complainant;
- 2) the name, address and data on the telecommunications of the representative of the complainant if the complainant has a representative;
- 3) the description of the contested act;
- 4) the reasons why the complainant finds that the contested act violates the rights of the person;
- 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, if the complaint is filed after the expiry of the term for filing the complaint;
- 8) the date of submission of a complaint.

(2) A complaint shall be signed by the complainant.

(3) If a complaint does not meet the requirements prescribed in subsections (1) and (2) of this section or if a complaint has been submitted in violation of the procedure prescribed in § 58 and subsection 60 (1) of this Act, the National Electoral Committee may forward the complaint to the State Electoral Office for responding pursuant to the procedure provided for in subsection 56 (6) of this Act and dismiss the complaint. If the complainant has allowed the time limit for submitting the complaint to expire with good reason, the National Electoral Committee shall restore the time limit on the basis of his or her 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 shall be filed with the National Electoral Committee within three days as of:

- 1) making the contested act or
- 2) reviewing a notice provided for in § 56 of this Act.

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

(3) If necessary, the National Electoral Committee shall grant participants in a proceeding a term for submitting an opinion regarding the complaint.

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

- 1) to dismiss the complaint;
- 2) to satisfy the complaint;
- 3) to satisfy the complaint partially.

(5) The National Electoral Committee shall promptly communicate the resolution to the complainant.

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

§ 60¹. Filing of appeal against resolution or act of National Electoral Committee

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

(2) An 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 shall be filed with the Supreme Court through the National Electoral Committee within three days as of the resolution or act of the National Electoral Committee being announced or performed.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 61. Declaration of invalidity of voting results

(1) If 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 shall determine a new date for the referendum and a repeat vote shall be held in the appropriate voting district, rural municipality, city or in the whole state. The results of the referendum shall be ascertained after the results of the repeat vote become clear. Voting results shall not be declared invalid if the violation does not significantly affect the results of the referendum.

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

(2) No repeat vote shall be held if the National Electoral Committee has annulled the votes cast in the advance voting partially or in full due to material violation of the law and called on the voters to vote again during advance voting or on the day of the referendum.

(3) The provisions of §§ 33-38 and 40 and Chapter 7¹ and 8 of this Act do not apply to a repeat vote.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

Chapter 11¹ LIABILITY

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

§ 61¹. 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) Police authority shall conduct extra-judicial proceedings in the matters of misdemeanours provided for 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 shall approve the results of the referendum by a resolution after the day of the referendum but not before the term for filing complaints with the National Electoral Committee and the Supreme Court has expired or before final resolutions 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 shall approve the results of the referendum after the repeat vote, taking into consideration subsection (1) of this section.

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

§ 63. Proclamation and entry into force of Act passed by referendum

(1) The National Electoral Committee shall submit an Act passed 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 shall promptly proclaim the Act.

(2) An Act which amends the Constitution and which is passed by a referendum shall enter into force on the date specified therein, but not earlier than three months as of its proclamation.

(3) Other Acts passed by a referendum shall enter into force on the tenth day after their publication in the *Riigi Teataja*, if no other date is prescribed in the Act.

(4) A resolution made on another national issue submitted to a referendum shall enter into force on the date on which the results of the referendum are announced.

§ 64. Calling of extraordinary Riigikogu elections

If a draft Act submitted to a referendum does not receive a majority of votes in favour, the President of the Republic shall call extraordinary Riigikogu elections pursuant to the procedure prescribed in the Riigikogu Election Act, unless the authority of the composition of the Riigikogu which passed the resolution to submit the draft Act to a referendum has terminated.

§ 64¹. Preservation of ballot papers and voting documents

(1) A rural municipality or city secretary shall preserve the ballot papers for one month as of the day of the referendum. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the rural municipality or city secretary shall organise the destruction of the ballot papers and document it.

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

(2) The State Electoral Office shall preserve the electronic votes for one month as of the day of the referendum. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the State Electoral Office shall destroy the electronic votes, personal data of the voters contained in the electronic voting system and the key for opening the electronic votes.

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

(3) The records of voting results shall be preserved permanently. Lists of voters shall be preserved permanently in the National Archives.

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

(4) The State Electoral Office shall organise the preservation of the records of voting results and other voting documents.

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

(5) The rural municipality and city governments shall 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 shall not be implemented before 2005.

§ 66.–§ 70.[Omitted from this text.]