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# President of the Republic Election Act

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Amended by the following acts

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14.06.2007	RT I 2007, 44, 316	14.07.2007
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13.06.2012	RT I, 10.07.2012, 3	01.04.2013

## Chapter 1 GENERAL PROVISIONS

### § 1. Bases of election system

(1) The President of the Republic shall be elected by the Riigikogu. If the Riigikogu fails to elect the President of the Republic, an electoral body shall elect the President.

(2) A member of the Riigikogu or electoral body shall have one vote in each round of voting.

(3) The President of the Republic shall be elected by secret ballot.

### § 2. Candidate for President of the Republic

(1) An Estonian citizen by birth who has attained forty years of age may be nominated as a candidate for President of the Republic.

(2) A person who is serving as President of the Republic for a second consecutive term shall not be nominated as a candidate for President of the Republic.

(3) A person in active service in the Defence Forces shall not be nominated as a candidate for President of the Republic.

[RT I, 10.07.2012, 3 - entry into force 01.04.2013]

### § 3. Time of election

(1) A regular election of the President of the Republic shall be held not earlier than sixty and not later than ten days before the end of the term of office of the President of the Republic.

(2) An extraordinary election of the President of the Republic by the Riigikogu shall be held within fourteen days after:

- 1) the date of premature termination of the powers of the President of the Republic; or
- 2) the date the Supreme Court declares the President of the Republic incapable of performing his or her duties for an extended period; or
- 3) the date the electoral body fails to elect the President of the Republic.

(3) The election of the President of the Republic by an electoral body shall be held within one month after the date the third round of voting is held in the Riigikogu.

#### **§ 4. Organiser of election**

The election of the President of the Republic shall be organised by the National Electoral Committee (hereinafter *electoral committee*).

#### **§ 5. Election expenditure**

Expenditure for organisation of the election of the President of the Republic shall be covered from the state budget.

## **Chapter 2 ORGANISATION OF VOTING**

#### **§ 6. Chairing sitting of Riigikogu or electoral body**

(1) A sitting of the Riigikogu or electoral body at which the President of the Republic is elected shall be chaired by the President or Vice-President of the Riigikogu.

(2) A sitting of the Riigikogu or electoral body shall not be chaired by a candidate for President of the Republic or by the President or Vice-President of the Riigikogu if he or she is temporarily performing the duties of the President of the Republic. If the President and Vice-Presidents of the Riigikogu are candidates for President of the Republic, the sitting of the Riigikogu or electoral body shall be chaired by the eldest member of the Riigikogu present.

#### **§ 7. Preparation for voting**

(1) Before the declaration of voting, the chairman of the electoral committee shall introduce the voting procedure and the procedure for ascertaining of voting results and election results to the members of the Riigikogu or electoral body.

(2) A member of the Riigikogu or electoral body has the right to pose questions to the chairman of the electoral committee concerning the voting procedure and the procedure for ascertaining of voting results and election results.

(3) The electoral committee shall inspect and seal the ballot box.

(4) Voting shall be declared by the chair of the sitting.

#### **§ 8. Ballot paper**

(1) The names of the candidates shall be entered on the ballot paper in alphabetical order.

(2) The standard format of the ballot paper shall be established by the electoral committee.

#### **§ 9. Voting procedure**

(1) The electoral committee shall give a ballot paper and an envelope bearing an impression of the seal of the electoral committee to the members of the Riigikogu or electoral body. The ballot paper shall be given on the basis of a list upon presentation of identification. The member of the Riigikogu or electoral body shall sign against receipt of the ballot paper.

(2) The ballot paper shall be completed in a voting booth. The member of the Riigikogu or electoral body shall mark the ballot paper with a cross in the space beside the name of the candidate in favour of whom he or she votes. If the name of only one candidate is entered on the ballot paper, the member of the Riigikogu or electoral body shall mark the ballot paper with a cross in the space if he or she votes in favour of the candidate.

(3) After completing the ballot paper, the elector shall place the ballot paper in the envelope and give it to the electoral committee, which shall put an impression of the seal of the electoral committee to the envelope. Thereafter, the elector shall deposit the envelope in the ballot box.

(4) If the ballot paper is spoiled before it is deposited in the ballot box, the member of the Riigikogu or electoral body has the right, upon returning the spoiled ballot paper, to receive a new ballot paper from the electoral committee, with regard to which a notation shall be made on the list.

(5) The chair of the sitting shall declare the voting closed one hour after the declaration of voting.

#### **§ 10. Protests concerning violation of voting procedure**

(1) Before the votes are counted, a member of the Riigikogu or electoral body has the right to submit a written protest to the electoral committee concerning a violation of the voting procedure.

(2) The electoral committee shall review the protest after the close of voting, and adopt and communicate a reasoned resolution. If the voting procedure has been materially violated, the electoral committee shall hold a repeat vote.

## **Chapter 3**

### **ASCERTAINING OF VOTING RESULTS AND ELECTION RESULTS**

#### **§ 11. Ascertaining of voting results**

(1) The electoral committee shall count the votes publicly immediately after the close of voting and resolution of protests.

(2) The electoral committee shall:

- 1) according to the list of the members of the Riigikogu or electoral body, ascertain the number of electors and the number of electors who received a ballot paper;
- 2) on the basis of the number of ballot papers in the ballot box, ascertain the number of electors who participated in the voting;
- 3) ascertain the number of invalid ballot papers;
- 4) ascertain the number of ballot papers on which no space is marked with a cross;
- 5) ascertain the number of votes cast for each candidate for President of the Republic.

(3) An invalid ballot paper is a ballot paper:

- 1) with a cross marked in more than one space;
- 2) on which or on the envelope of which an impression of the seal of the electoral committee is missing.

(4) Voting results shall be communicated by the chairman of the electoral committee.

#### **§ 12. Protests regarding violation of procedure for ascertaining of voting results**

(1) Before ascertaining of the election results, a member of the Riigikogu or electoral body has the right to submit a written protest concerning a violation of the procedure for ascertaining of voting results.

(2) The electoral committee shall review the protest after the votes are counted, and adopt and communicate a reasoned resolution. If the procedure for ascertaining of voting results has been violated, the electoral committee shall recount the votes.

#### **§ 13. Ascertaining of election results**

(1) The chair of the sitting shall declare a recess in order to ascertain the election results.

(2) The electoral committee shall adopt a resolution concerning the election results which shall enter into force upon signature. The resolution shall be communicated by the chairman of the electoral committee immediately after its entry into force.

## **Chapter 4**

### **ELECTION OF PRESIDENT OF THE REPUBLIC BY RIIGIKOGU**

#### **§ 14. Convention of Riigikogu**

The President of the Riigikogu shall, on the proposal of the President of the Republic, the Government of the Republic or at least one-fifth of the membership of the Riigikogu, convene an extraordinary session or supplementary sitting of the Riigikogu in order to elect the President of the Republic. Before convening the Riigikogu, the President of the Riigikogu shall consider the opinion of the electoral committee.

#### **§ 15. Nomination, presentation for registration and registration of candidates for first round of voting**

(1) The right to nominate a candidate rests with not less than one-fifth of the membership of the Riigikogu.

(2) A member of the Riigikogu may nominate only one candidate.

(3) Presentation of candidates for registration shall begin on the fourth day at 9 a.m. and end on the second day at 6 p.m. before the date of the first round of voting.

(4) In order to register a candidate, the nominators shall submit an application to the electoral committee, which shall contain:

- 1) the given name and surname of the candidate;
- 2) the year, month and day of birth of the candidate;
- 3) the names and signatures of the nominators;
- 4) the date of preparation of the application.

(5) The nominators shall append the following to the application:

- 1) the dated and signed autographic consent of the candidate to run as a candidate for President of the Republic and confirmation that he or she meets the requirements provided by law for a candidate for President of the Republic;
- 2) the dated and signed autographic oath of the candidate or a statement from the administrative agency which received a prior oath indicating to whom, in what context and when the candidate took the oath;
- 3) documents which certify that the candidate is an Estonian citizen by birth.

(6) The documents required for registration of the candidate shall be submitted to the electoral committee by a nominator of the candidate.

(7) If, upon presentation of a candidate for registration, some of the required documents are omitted or they contain errors, the person who accepts documents shall propose to the presenter of the candidate for registration to submit the required documents or correct the errors before the end of the registration period. The submitted documents shall be returned. The presenter of the candidate for registration shall sign against their receipt. If the documents are resubmitted, they shall be considered submitted for the first time and shall be registered as of the date and time of their resubmission.

(8) The electoral committee shall, on the day after expiry of the deadline for presentation of candidates for registration, register the candidates presented according to the requirements.

(9) The candidates shall be registered in the order of their presentation for registration.

(10) After registration of candidates, no changes shall be made in the list of candidates to be entered on the ballot paper, except upon the death of a candidate or the submission of a document which establishes that a certain candidate does not meet the requirements set out in § 2 of this Act.

#### **§ 16. First round of voting**

(1) For the first round of voting, the names of the candidates registered for the round shall be entered on the ballot paper.

(2) The candidate in favour of whom a two-thirds majority of the membership of the Riigikogu votes shall be considered elected.

(3) If no candidate receives the required majority, a second round of voting shall be held on the next day.

(4) The chair of the sitting shall announce the starting time of the second round of voting in the election of the President of the Republic to the members of the Riigikogu immediately after the announcement of the results of the first round of voting.

#### **§ 17. Nomination, presentation for registration and registration of candidates for second round of voting**

(1) For the second round of voting, a new nomination, presentation for registration and registration of candidates shall be held pursuant to subsections 15 (1), (2), (4)–(7), (9) and (10) of this Act. Upon presentation for registration of a candidate registered for the first round, the documents specified in clauses 15 (5) 2) and 3) of this Act need not be appended to the application.

(2) Presentation of candidates for registration shall begin four hours and end two hours before the beginning of the second round of voting.

(3) The electoral committee shall register the candidates presented according to the requirements, before the beginning of the second round of voting.

#### **§ 18. Second round of voting**

(1) For the second round of voting, the names of the candidates registered for the round shall be entered on the ballot paper.

(2) The candidate in favour of whom a two-thirds majority of the membership of the Riigikogu votes shall be considered elected.

(3) If no candidate receives the required majority, a third round of voting shall be held on the same day.

(4) The chair of the sitting shall announce the starting time of the third round of voting in the election of the President of the Republic to the members of the Riigikogu immediately after announcement of the results of the second round of voting.

#### **§ 19. Third round of voting**

(1) For the third round of voting, the names of the two candidates who received the greatest number of votes in the second round shall be entered on the ballot paper. If at least two candidates receive an equal number of votes in the second round of voting, the name of the elder candidate or names of the elder candidates shall be entered on the ballot paper. If only one candidate runs as a candidate in the second round of voting and he or she does not receive the required majority, only his or her name shall be entered on the ballot paper.

(2) The candidate in favour of whom a two-thirds majority of the membership of the Riigikogu votes shall be considered elected.

(3) If no candidate receives the required majority, the President of the Riigikogu shall convene an electoral body for the election of the President of the Republic.

## **Chapter 5 ELECTION OF PRESIDENT OF THE REPUBLIC BY ELECTORAL BODY**

#### **§ 20. Convention of electoral body**

The President of the Riigikogu shall convene an electoral body for the election of the President of the Republic not later than on the day following the third round of voting in the Riigikogu and shall announce the time and place of the sitting of the electoral body. Before convening the electoral body, the President of the Riigikogu shall consider the opinion of the electoral committee.

#### **§ 21. Electoral body**

(1) The electoral body shall be comprised of members of the Riigikogu and representatives of the local government councils.

(2) The members of the electoral body shall be free in adopting a resolution.

#### **§ 22. Election of representatives of local government councils**

(1) On the day following the third round of voting in the Riigikogu, the electoral committee shall send each local government council a notice regarding the number of representatives it has in the electoral body.

(2) Based on the number of citizens entered in the Estonian National Electoral Register of Citizens in the administrative territory of a local government on 1 January of the election year of the President of the Republic, the number of local government council representatives shall be determined as follows:

- 1) up to 10,000 Estonian citizens with the right to vote – 1 representative;
- 2) 10,001–50,000 Estonian citizens with the right to vote – 2 representatives;
- 3) 50,001–100,000 Estonian citizens with the right to vote – 4 representatives;
- 4) more than 100,000 Estonian citizens with the right to vote – 10 representatives.

(3) A local government council representative must be an Estonian citizen and a member of the local government council which elects him or her. A local government council representative shall not be a member of the Riigikogu.

(4) A local government council shall elect its representative not later than on the seventh day before the date the President of the Republic is elected by the electoral body.

(4<sup>1</sup>) The election of the representative or, in cases provided for in clauses (2) 2)–4) of this section, the representatives of a local government council shall take place at a council session from among the nominated candidates in one round of voting. Each member of the council has one vote. The candidate who receives the greatest number of votes is elected or, in cases provided for in clauses (2) 2)–4) of this section, the candidates who receive the greatest number of votes are elected. If, due to the equal number of votes cast for the candidates, not all the council representatives are elected, lots shall be drawn among the candidates who received an equal number of votes.

[RT I, 16.11.2010, 2 - entry into force 26.11.2010]

(5) A resolution of a local government council concerning the election of a representative or representatives of the local government council shall be promptly forwarded to the electoral committee.

### **§ 23. Nomination, presentation for registration and registration of candidates for first round of voting**

(1) The right to nominate a candidate rests with not less than twenty-one members of the electoral body.

(2) A member of the electoral body may nominate only one candidate.

(3) Presentation for registration and registration of candidates shall be held pursuant to subsections 15 (3)–(10) of this Act. Upon presentation for registration of a candidate registered for the first or second round in the Riigikogu, the documents specified in clauses 15 (5) 2) and 3) of this Act need not be appended to the application.

### **§ 24. Registration of members of electoral body**

(1) Registration of the members of the electoral body for the sitting of the electoral body shall begin two hours before the start of the sitting of the electoral body.

(2) The members of the electoral body shall be registered upon presentation of identification and proof of citizenship.

### **§ 25. First round of voting**

(1) For the first round of voting, the names of the candidates who participated in the third round of voting by the Riigikogu and the candidates who are registered for the first round of voting by the electoral body shall be entered on the ballot paper.

(2) The candidate in favour of whom votes a majority of the members of the electoral body participating in the voting shall be considered elected.

(3) If no candidate receives the required majority, a second round of voting shall be held on the same day.

(4) The chair of the sitting of the electoral body shall announce the starting time of the second round of voting to the members of the electoral body immediately after announcement of the election results of the first round.

### **§ 26. Second round of voting**

(1) For the second round of voting, the names of the two candidates who received the greatest number of votes in the first round shall be entered on the ballot paper. If at least two candidates receive an equal number of votes in the first round of voting, the name of the elder candidate or names of the elder candidates shall be entered on the ballot paper. If only one candidate runs as a candidate in the first round of voting and he or she does not receive the required majority, only his or her name shall be entered on the ballot paper.

(2) The candidate in favour of whom votes a majority of the members of the electoral body participating in the voting shall be considered elected.

(3) If no candidate receives the required majority, the election of the President of the Republic shall be held pursuant to clause 3 (2) 3) of this Act.

## **Chapter 6 FINAL PROVISIONS**

### **§ 27. Assumption of office by President of the Republic**

(1) The new President of the Republic elected in a regular election shall assume office by swearing the oath of office at the first sitting of the Riigikogu following the date of expiry of the term of office of the President of the Republic.

(2) The new President of the Republic elected in an extraordinary election shall assume office by swearing the oath of office at the first sitting of the Riigikogu following the date of election of the President of the Republic.

**§ 28.–§ 29.**[Omitted from this text.]