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President of the Republic Election Act

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27.10.2010	RT I, 16.11.2010, 2	26.11.2010
13.06.2012	RT I, 10.07.2012, 3	01.04.2013

Chapter 1 GENERAL PROVISIONS

§ 1. Principles of election system

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

(2) Each member of the Riigikogu or electoral body has one vote in each round of voting.

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

§ 2. Candidate for President of the Republic

(1) An Estonian citizen by birth who has attained 40 years of age may be nominated as a candidate for President of the Republic.

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

(3) A person in active service in the Defence Forces may 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 is held not earlier than 60 and not later than 10 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 is held within 14 days after:

- 1) the day of premature termination of the mandate of the President of the Republic; or
- 2) the day the Supreme Court declares the President of the Republic permanently incapable of performing their duties; or
- 3) the day the electoral body fails to elect the President of the Republic.

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

§ 4. Organiser of election

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

§ 5. Election expenditure

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

Chapter 2 ORGANISATION OF VOTING

§ 6. Chairing of sittings of Riigikogu or electoral body

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

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

§ 7. Preparation for voting

(1) Before the declaration of voting, the chair of the electoral committee introduces 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 chair of the electoral committee concerning the voting procedure and the procedure for ascertaining of voting results and election results.

(3) The electoral committee inspects and seals the ballot box.

(4) Voting is declared by the chair of the sitting.

§ 8. Ballot paper

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

(2) The standard form of the ballot paper is established by the electoral committee.

§ 9. Voting procedure

(1) The electoral committee gives 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 is given on the basis of a list, on presentation of an identity document. The member of the Riigikogu or electoral body signs against receipt of the ballot paper.

(2) A ballot paper is completed in a voting booth. The member of the Riigikogu or electoral body marks the ballot paper with a cross in the space beside the name of the candidate in whose favour they vote. Where the name of only one candidate is entered on the ballot paper, the member of the Riigikogu or electoral body marks the ballot paper with a cross in the space if they vote in favour of the candidate.

(3) After completing the ballot paper, the voter places the ballot paper in the envelope and gives it to the electoral committee, which puts an impression of the seal of the electoral committee on the envelope. Thereafter, the voter deposits 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 return of the spoiled ballot paper, to receive a new ballot paper from the electoral committee, with regard to which a notation is to be made in the list.

(5) The chair of the sitting declares 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 reviews the protest after the close of voting, and adopts and communicates a reasoned resolution. Where the voting procedure has been materially violated, the electoral committee holds a repeat vote.

Chapter 3

ASCERTAINING OF VOTING RESULTS AND ELECTION RESULTS

§ 11. Ascertaining of voting results

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

(2) The electoral committee:

- 1) ascertains the number of electors and the number of electors who received a ballot paper, based on the list of the members of the Riigikogu or electoral body;
- 2) ascertains the number of electors who participated in the voting based on the number of ballot papers in the ballot box;
- 3) ascertains the number of invalid ballot papers;
- 4) ascertains the number of ballot papers on which no space is marked with a cross;
- 5) ascertains 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 are communicated by the chair 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 reviews the protest after the votes are counted, and adopts and communicates a reasoned resolution. Where the procedure for ascertaining of voting results has been violated, the electoral committee recounts the votes.

§ 13. Ascertaining of election results

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

(2) The electoral committee adopts a resolution concerning the election results, which enters into force upon signature. The resolution is communicated by the chair of the electoral committee immediately after entry into force of the resolution.

Chapter 4

ELECTION OF PRESIDENT OF THE REPUBLIC BY RIIGIKOGU

§ 14. Convention of Riigikogu

The President of the Riigikogu convenes, on the proposal of the President of the Republic, the Government of the Republic or not less than one-fifth of all members of the Riigikogu, an extraordinary session or additional sitting of the Riigikogu in order to elect the President of the Republic. Before convening the Riigikogu, the President of the Riigikogu hears 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 all members of the Riigikogu.

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

(3) Presentation of candidates for registration begins on the fourth day at 9:00 and end on the second day at 18:00 before the day of the first round of voting.

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

- 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 append the following to the application:

- 1) the dated and signed autographic consent of the candidate to stand as a candidate for President of the Republic and confirmation that they meet 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 are submitted to the electoral committee by a nominator of the candidate.

(7) Where, upon presentation of a candidate for registration, some of the required documents are missing or they contain errors, the person who accepts documents proposes 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 are returned. The presenter of the candidate for registration signs against their receipt. Where the documents are resubmitted, they are considered submitted for the first time and are registered as of the date and time of their resubmission.

(8) The electoral committee registers, on the day after expiry of the due date for presentation of candidates for registration, the candidates presented in compliance with the requirements.

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

(10) After registration of candidates, no changes may be made in the list of candidates to be entered on the ballot paper, except upon the death of a candidate or upon submission of a document which proves 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 are entered on the ballot paper.

(2) The candidate in whose favour a two-thirds majority of all members of the Riigikogu votes is considered elected.

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

(4) The chair of the sitting announces 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 take place pursuant to subsections 1, 2, 4–7, 9 and 10 of § 15 of this Act. Upon presentation for registration of a candidate registered for the first round, the documents specified in clauses 2 and 3 of subsection 5 of § 15 of this Act need not be appended to the application.

(2) Presentation of candidates for registration begins four hours and ends two hours before the beginning of the second round of voting.

(3) The electoral committee registers the candidates presented in compliance with 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 are entered on the ballot paper.

(2) The candidate in whose favour a two-thirds majority of all members of the Riigikogu votes is considered elected.

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

(4) The chair of the sitting announces 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 are entered on the ballot paper. Where 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 are entered on the ballot paper. Where only one candidate stands as a candidate in the second round of voting and they do not receive the required majority, only their name is entered on the ballot paper.

(2) The candidate in whose favour a two-thirds majority of all members of the Riigikogu votes is considered elected.

(3) Where no candidate receives the required majority, the President of the Riigikogu convenes 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 convenes 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 announces the time and place of the sitting of the electoral body. Before convening the electoral body, the President of the Riigikogu hears the opinion of the electoral committee.

§ 21. Electoral body

(1) The electoral body is comprised of members of the Riigikogu and representatives of the municipal councils.

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

§ 22. Election of representatives of municipal councils

(1) On the day following the third round of voting in the Riigikogu, the electoral committee sends each municipal 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 authority on 1 January of the election year of the President of the Republic, the number of municipal council representatives is 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 municipal council representative must be an Estonian citizen and a member of the municipal council which elects them. A municipal council representative may not be a member of the Riigikogu.

(4) A municipal council elects its representative not later than on the seventh day before the day the President of the Republic is elected by the electoral body.

(4¹) The election of the representative or, in cases provided in clauses 2–4 of subsection 2 of this section, the representatives of a municipal council takes 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 in clauses 2–4 of subsection 2 of this section, the candidates who receive the greatest number of votes are elected. Where due to the equal number of votes cast for the candidates, not all the council representatives are elected, lots are 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 municipal council concerning the election of a representative or representatives of the municipal council is 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 21 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 take place pursuant to subsections 3–10 of § 15 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 2 and 3 of subsection 5 of § 15 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 begins two hours before the start of the sitting of the electoral body.

(2) The members of the electoral body are registered on presentation of an identity document 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 are entered on the ballot paper.

(2) The candidate in whose favour a majority of the members of the electoral body participating in the voting votes, is considered elected.

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

(4) The chair of the sitting of the electoral body announces 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 are entered on the ballot paper. Where 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 are entered on the ballot paper. Where only one candidate stands as a candidate in the first round of voting and they do not receive the required majority, only their name is entered on the ballot paper.

(2) The candidate in whose favour a majority of the members of the electoral body participating in the voting votes, is considered elected.

(3) Where no candidate receives the required majority, the election of the President of the Republic is held pursuant to clause 3 of subsection 2 of § 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 assumes office by swearing the oath of office at the first sitting of the Riigikogu following the day of the end of the term of office of the President of the Republic.

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

§ 28.–§ 29.[Omitted from this text.]