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Municipal Council Election Act

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RT I 2002, 36, 220
entered into force pursuant to § 74.

Amended by the following acts

Passed	Published	Entry into force
12.06.2002	RT I 2002, 57, 355	18.07.2002
15.07.2002	RT III 2002, 22, 251	15.07.2002
30.07.2002	RT I 2002, 68, 407	07.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
correction notice, RT I 2002, 72		
18.12.2003	RT I 2003, 90, 601	01.01.2004
21.01.2004	RT I 2004, 6, 32	14.02.2004
22.09.2004	RT I 2004, 71, 501	29.10.2004
19.04.2005	RT III 2005, 13, 128	19.04.2005
20.04.2005	RT I 2005, 25, 194	27.05.2005
09.06.2005	RT I 2005, 37, 281	10.07.2005
28.06.2005	RT I 2005, 47, 387	18.09.2005
19.04.2006	RT I 2006, 21, 159	01.06.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
07.06.2006	RT I 2006, 30, 231	14.07.2006
15.06.2006	RT I 2006, 32, 244	17.07.2006
11.10.2006	RT I 2006, 48, 358	18.11.2006
14.06.2007	RT I 2007, 44, 316	14.07.2007
10.12.2008	RT I 2008, 53, 293	17.12.2008
11.12.2008	RT I 2009, 2, 5	16.01.2009, partially 01.01.2011
16.04.2009	RT I 2009, 23, 144	01.05.2009
06.05.2009	RT I 2009, 27, 165	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13.07.2010 (OJ L 196, 28.07.2010, pp. 24-26).
19.05.2010	RT I 2010, 29, 150	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
13.06.2012	RT I, 10.07.2012, 3	01.04.2013
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

18.02.2015	RT I, 12.03.2015, 2	22.03.2015, partially 01.11.2015
14.01.2016	RT I, 22.01.2016, 7	01.02.2016
13.04.2016	RT I, 06.05.2016, 1	01.01.2017
07.06.2016	RT I, 21.06.2016, 1	01.07.2016, partially 01.01.2017; throughout the text of the Act, the words "rural municipality or city list" are replaced by the words "city list" in the appropriate case form.

Chapter 1

GENERAL PROVISIONS

§ 1. Bases of election system

(1) The elections of members of municipal councils (hereinafter *councils*) shall be free, general, uniform and direct. Voting shall be secret.

(2) Each voter shall have one vote.

(3) Election results shall be determined based on the principle of proportionality.

§ 2. Time of elections

Councils shall be elected for a term of four years. Council elections shall be held on the third Sunday in October in an election year.

[RT I 2005, 47, 387 - entry into force 18.09.2005]

§ 3. Bases and time of supplementary elections

(1) If the number of members of a council falls below the number required to obtain a majority of the votes of the membership of the council, supplementary elections shall be held in electoral districts where there are no more alternate members in the lists in order to elect members to the unfilled positions in the council.

(2) The chairman or deputy chairman of the council or, in their absence, the rural municipality mayor or city mayor shall notify the county governor of the circumstances specified in subsection (1) of this section within three days.

(3) A county governor shall call supplementary elections by his or her order with the approval of the State Electoral Office within ten days after receipt of the notice specified in subsection (2) of this section. The elections shall be held not later than on the thirtieth day after the elections are called. Supplementary council elections shall be held on a Sunday.

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

(4) A rural municipality or city electoral committee shall, by a resolution thereof and with the approval of the State Electoral Office, establish the terms for the acts regarding supplementary elections and publish these within three days after the date on which the resolution is adopted.

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

(5) Supplementary elections shall not be held during the three-month period directly preceding the regular municipal council elections.

[RT I 2005, 47, 387 - entry into force 18.09.2005]

§ 4. Time of elections for council of new local authority

(1) If a new local authority is formed due to a merger of local authorities, the elections for the council of the newly formed local authority shall be held at a time prescribed in § 2 of this Act.

(2) If the relevant local authorities merge during the period between regular elections, the elections for the council of the newly formed local authority shall be held before the time prescribed in § 2 of this Act.

(3) The elections for the council of a newly formed local authority shall not be held during the period between regular elections if the regulation of the Government of the Republic on the alteration of administrative-territorial organisation enters into force less than one year before the election day prescribed in § 2.

(4) In the case specified in subsection (2) of this section, a county governor shall declare the elections of the council of the newly formed local authority by his or her order with the approval of the State Electoral Office within ten days after entry into force of a regulation of the Government of the Republic on the alteration of administrative-territorial organisation. Elections shall not be held earlier than on the ninetieth day after the elections are called. Elections shall be held on a Sunday.

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

§ 5. Right to vote and stand as candidate

(1) Estonian citizens and citizens of the European Union who have attained 16 years of age by election day and whose permanent residence, i.e. residence the address details of which have been entered in the Estonian population register (hereinafter *population register*), is located in the corresponding rural municipality or city have the right to vote.

[RT I, 22.01.2016, 7 - entry into force 01.02.2016]

(2) An alien has the right to vote if he or she meets the conditions specified in subsection (1) of this section and:

- 1) resides in Estonia on the basis of a long-term residence permit or the right of permanent residence.
- 2) [Repealed - RT I 2006, 48, 358 - entry into force 18.11.2006]

(3) A person who has been divested of his or her active legal capacity with regard to the right to vote does not have the right to vote.

(4) A person who has been convicted by a court and is serving a sentence in a custodial institution shall not participate in voting.

(5) Every Estonian citizen and citizen of the European Union who has the right to vote, who has attained 18 years of age by the last day for the registration of candidates and whose permanent residence is located in the corresponding rural municipality or city not later than on 1 August of an election year has the right to stand as a candidate.

[RT I, 22.01.2016, 7 - entry into force 01.02.2016]

(6) A person in active service in the Defence Forces or a person who has been convicted of a criminal offence by a court and is serving a prison sentence shall not stand as a candidate for election to a council.

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

§ 5¹. Alien

For the purposes of this Act, an alien is a person who is not a citizen of the Republic of Estonia or of a Member State of the European Union.

[RT I 2006, 48, 358 - entry into force 18.11.2006]

Chapter 2 CAMPAIGNING

§ 6. Restriction on campaigning

(1) Active campaigning is prohibited on election day.

(2) Campaigning is prohibited in polling places and in premises through which voters enter polling places.

(3) The time of active election campaigning is deemed to be the time as of the last day for the registration of candidates.

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

§ 6¹. Prohibition of political outdoor advertising

Advertising of independent candidates, political parties or candidates in the list of a political party, election coalitions or candidates in the list of an election coalition or their logo or other distinctive mark or programme on a building, construction, inside or on the outside of public transport vehicles and taxis and other political outdoor advertising is prohibited during active campaigning.

[RT I 2005, 37, 281 - entry into force 10.07.2005]

Chapter 3 NUMBER OF COUNCIL MEMBERS AND ELECTORAL DISTRICTS

§ 7. Determination of number of members of council

(1) The number of members of the next composition of a council shall be determined by a resolution of the council. The number of members of a council shall be odd.

(2) A council shall have at least seven members. The number of council members shall be determined on the basis of the information held in the population register, according to the number of residents in the rural municipality or city as at 1 June of the election year as follows:

- 1) not less than 13 members for more than 2000 residents;
- 2) not less than 15 members for more than 3500 residents;
- 3) not less than 17 members for more than 5000 residents;
- 4) not less than 19 members for more than 7500 residents;
- 5) not less than 21 members for more than 10,000 residents;
- 6) not less than 25 members for more than 30,000 residents;
- 7) not less than 31 members for more than 50,000 residents;
- 8) not less than 79 members for more than 300,000 residents.

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(3) The number of members of a council shall be determined not later than on the ninetieth day before election day.

(4) A council shall publish the resolution specified in subsection (1) of this section within three working days as of the day on which the corresponding resolution is adopted.

[RT I 2005, 25, 194 - entry into force 27.05.2005]

§ 8. Formation of electoral districts

(1) A council shall form one electoral district in the territory of a rural municipality or city. A council shall form eight electoral districts in a local authority with more than 300,000 residents, except in the case specified in the second sentence of subsection (4¹) of this section.

[RT I 2009, 23, 144 - entry into force 01.05.2009]

(2) Several electoral districts may be formed:

- 1) in local authorities with more than 50,000 residents;
- 2) in local authorities which are formed due to a merger or division during the past two election cycles;
- 2¹) in local authorities to be formed as a result of a merger;

[RT I 2009, 23, 144 - entry into force 01.05.2009]

3) in local authorities in which rural municipality or city districts have been formed.

(3) The number of mandates in electoral districts to be formed shall not be less than three.

(3¹) In the case specified in subsection 2 (2) of this section, electoral districts shall be formed by the merged local authorities or groups of local authorities, and in the case specified in subsection 2 (2¹), electoral districts shall be formed by the local authorities or groups of local authorities to be merged.

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(4) In Tallinn, the council shall form electoral districts by city district.

[RT I 2009, 23, 144 - entry into force 01.05.2009]

(4¹) If no city districts are formed in Tallinn, the electoral districts shall be formed pursuant to the distribution and boundaries of the electoral districts in the previous municipal council elections, in case the electoral districts in Tallinn were formed by city district. If any rural municipality or city merges with Tallinn, it shall form a separate electoral district.

[RT I 2009, 23, 144 - entry into force 01.05.2009]

(5) The resolution of a council concerning the formation of electoral districts shall set out the numeration and boundaries of the districts and the number of mandates in each district.

(6) Electoral districts shall be formed not later than on the ninetieth day before election day.

(7) A council shall publish the resolution specified in subsection (5) of this section within three working days as of the day on which the corresponding resolution is adopted.

§ 9. Distribution of mandates between electoral districts

(1) A council shall distribute the mandates between the electoral districts, based on the number of voters according to the information held in the population register as at 1 June of the election year, as follows:

- 1) the total number of voters shall be divided by the number of council members;

- 2) the number of voters in an electoral district shall be divided by the number obtained as a result of the calculation specified in clause 1) of this subsection;
- 3) each electoral district shall be awarded a particular number of mandates in correspondence with the integer of the number obtained as a result of the calculation made according to clause 2) of this subsection;
- 4) mandates which are not distributed pursuant to clause 3) of this subsection shall be distributed on the basis of the largest-remainder rule, using the fractions of numbers obtained as a result of the calculation specified in clause 2) of this subsection.

(2) In Tallinn, half of the mandates shall be divided equally among the electoral districts, taking account of the principle that the number of district mandates is the smallest whole number which can be divided by the number of the electoral districts which is at least half of all the mandates. The remaining mandates shall be distributed in accordance with the provisions of subsection (1) of this section, taking into account that the total number of voters shall be divided by the number of the mandates which have not been divided.

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

§ 10. Formation of voting districts

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

§ 11. Acts in event of election to council of new local authority

(1) In order for elections of a new local authority to be held, the councils concerned shall, upon agreement, perform the following acts:

- 1) determine the number of members of the new council based on the provisions of subsections 7 (1) and (2) of this Act and the number of residents in the territory of the new rural municipality or city, according to the information held in the population register as at 1 January of the year in which the number of members is determined;
- 2) form electoral districts in the territory of the new rural municipality or city based on the provisions of subsections 8 (1)–(5) of this Act.

(2) The distribution of mandates shall be based on the provisions of subsections 9 (1) and (2) of this Act and the number of residents in the territory of the new rural municipality or city according to the information held in the population register as at 1 January of the year in which the mandates are distributed.

(3) The rural municipality or city governments concerned shall, upon agreement, form voting districts in the territory of the electoral districts based on the provisions of § 22 of this Act.

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

(4) The rural municipality or city councils and rural municipality or city governments concerned shall adopt the resolutions and issue the orders specified in this section before all the documents which are necessary in order to alter the administrative-territorial organisation are submitted to the county governor or county governors concerned.

Chapter 4 ELECTORAL MANAGEMENT

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

Division 1 Electoral Committees

[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 § 1 of this Act, to settle complaints, to exercise supervision over the activities of the rural municipality and city electoral committees and the elections managers, 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 elections manager and rural municipality or city electoral committee for the protection of the principles provided for in § 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 election day;

- 3) to declare the voting results in a voting district, electoral district, rural municipality or city, county 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;
- 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;
- 5) to release a member of the local municipality or city electoral committee who has violated the law from the performance of the duties of a member of an electoral committee;
- 6) to file a protest with the Supreme Court in order to invalidate a resolution of a rural municipality or city electoral committee by which a person was registered as a member of a council if it has become evident that the person does not comply with the requirements prescribed in subsections 5 (5) or (6) 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]

§ 13. Competence of rural municipality or city electoral committee

(1) The function of a rural municipality or city electoral committee is to register the candidates nominated in compliance with the requirements of this Act, verify the voting and election results in the rural municipality or city, and perform other functions arising from law.

(2) To resolve an issue within the competence of a rural municipality or city electoral committee, the 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]

§ 14. Formation of rural municipality or city electoral committee

(1) A rural municipality or city electoral committee shall be comprised of up to seven members.

(2) The members of a rural municipality or city electoral committee shall be appointed not later than on the ninetieth day before election day.

(3) The authority of rural municipality and city electoral committees shall continue until the new membership of the committee is appointed.

(4) The chairman of a rural municipality or city electoral committee shall be the corresponding rural municipality or city secretary. If a substitute is appointed for the time of the absence of a rural municipality or city secretary based on subsection 55 (5) of the Local Government Organisation Act, a substitute for a rural municipality or city secretary shall perform the functions of the chairman of a rural municipality or city electoral committee.

(5) The members of the rural municipality or city electoral committee shall be appointed by the council on the proposal of the rural municipality or city secretary.

(6) The council shall also, on the proposal of the rural municipality or city secretary, appoint up to two alternate members who, during the term of the committee and in the order specified by the council, shall replace committee members whose authority has terminated.

(7) The deputy chairman of a rural municipality or city electoral committee shall be elected by the committee from among its members.

(8) Clerical support to a rural municipality or city electoral committee shall be organised by the rural municipality or city government.

(9) A rural municipality or city government shall designate and publish the location of the rural municipality or city electoral committee.

(10) A rural municipality or city electoral committee shall specify and publish its working hours. An electoral committee shall work on each working day for the period from when the time for the nomination of candidates begins to the last day of declining to stand as a candidate.

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

§ 15. Member of rural municipality or city electoral committee

(1) An Estonian citizen or a citizen of the European Union who has the right to vote at municipal council elections may be a member of a rural municipality or city electoral committee. The permanent residence of a member of an electoral committee need not be in this rural municipality or city.

(2) The authority of a member of a rural municipality or city electoral committee shall terminate prematurely:

- 1) due to his or her resignation;
- 2) due to his or her death;
- 3) if he or she becomes an authorised representative of a political party, election coalition or an independent candidate;
- 4) if he or she is presented for registration as a candidate for municipal council elections;
- 5) if he or she becomes the elections manager.

(3) A member of a rural municipality or city electoral committee may be released from his or her duties as a member of an electoral committee by a reasoned resolution of the council which appointed him or her either on the initiative thereof or on the proposal of the electoral committee.

(4) A member of a rural municipality or city electoral committee shall be impartial and independent in the performance of his or her duties.

(5) A member of a rural municipality or city electoral committee shall not campaign for or against political parties, election coalitions or candidates.

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

§ 16. Working procedures of rural municipality or city electoral committee

(1) The work format of a rural municipality or city electoral committee shall be a meeting, which shall be convened by the chairman of the electoral committee or, in his or her absence, by the deputy chairman, and in the absence of both the chairman and the deputy chairman, by the youngest member of the electoral committee.

(2) A rural municipality or city electoral committee has a quorum if at least one-half of the members of the committee are present. The meeting of the Electoral Committee shall be chaired by the Chairman of the Committee or, in his or her absence, by the Deputy Chairman. In the absence of both the Chairman and the Deputy Chairman, the meeting of the Committee shall be chaired by the youngest member of the Committee until a new Deputy Chairman is elected.

(3) The meeting of a rural municipality or city electoral committee shall be public and minutes thereof shall be taken.

(4) The resolutions and minutes of the meetings of a rural municipality or city electoral committee shall be published.

(5) A rural municipality or city electoral committee shall decide issues within its competence by a majority of votes in favour. Any dissenting opinion of a member of the committee shall be recorded in the minutes.

(6) If a member of a rural municipality or city electoral committee cannot participate in a meeting of the committee, an alternate member who has all the rights and obligations of a member of the committee, except the rights and obligations of the chairman or deputy chairman, shall substitute for him or her.

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

§ 17. Formation of rural municipality or city electoral committee in event of elections to council of new local authority

(1) In order for elections to the council of a new local authority to be held, the councils concerned shall, upon agreement, appoint the members and alternate members of the rural municipality or city electoral committee on the proposal of the relevant rural municipality or city secretaries in accordance with the provisions of subsections 14 (1), (2) and (6) of this Act.

(2) The chairman and deputy chairman of a rural municipality or city electoral committee shall be elected by the committee from among its members. The authority of the chairman of the committee shall continue until the rural municipality or city secretary of the new local authority is appointed.

(3) The rural municipality or city councils concerned shall adopt the resolutions specified in subsection (1) of this section before all the documents which are necessary in order to alter the administrative-territorial organisation are submitted to the county governor or county governors concerned.

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

Division 2 Elections Managers

§ 18. Elections managers

(1) Municipal council elections shall be managed by:

- 1) the State Electoral Office;
- 2) county heads of elections;
- 3) voting district committees.

(2) The procedure for formation of the State Electoral Office and appointment of a county head of elections shall be provided for in the Riigikogu Election Act.

(3) A person managing elections shall not simultaneously be an authorised representative of a political party, election coalition or independent candidate, or a candidate.

(4) A person managing elections must have the right to vote at municipal council elections and be proficient in Estonian. The permanent residence of a person managing elections need not be in this rural municipality or city.

(5) A person managing elections shall be independent in the performance of his or her duties and he or she shall not campaign for or against political parties, election coalitions or candidates.

(6) A person managing elections shall be entitled to receive remuneration for the performance of duties assigned to him or her.

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

§ 19. Competence of State Electoral Office

(1) The function of the State Electoral Office is:

- 1) to ensure the holding of the elections in accordance with law, to organise electronic voting and ascertain the results of electronic voting;
- 2) to exercise supervision over the activities of the elections managers;
- 3) to organise the development and management of the technical solutions necessary for the performance of the duties arising from the electoral 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 elections managers for ensuring the uniformity of elections;
- 2) shall issue oral and written orders to the elections managers, which are mandatory for performance;
- 3) shall draw up a draft budget for the preparation and holding of the elections;
- 4) shall distribute among the county heads of elections, upon approval of the National Electoral Committee, the funds allocated for holding of the elections and establish the procedure for using the funds allocated to the county heads of elections and voting district committees;
- 5) shall ensure the availability of the inventory and services necessary for holding of the elections;
- 6) shall instruct and train the elections managers and rural municipality and city electoral committees;
- 7) may remove a person managing elections who has violated the law or an order of the State Electoral Office from the holding of the elections;
- 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]

§ 20. Competence of county head of elections

(1) The function of a county head of elections is to instruct voting district committees, and rural municipality and city electoral committees, exercise supervision over their activities and perform other functions arising from this Act.

(2) For the performance of his or her functions, a county head of elections:

- 1) shall issue oral and written orders to the voting district committees, which are mandatory for performance;
- 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 enter into contracts with the persons assisting the head of elections;
- 4) may release a member of a voting district committee who has violated the law or an order of the county head of elections from the duties of a voting district committee.

(3) The county head of elections shall sign a written order of the county head of elections. A written order shall enter into force upon signature thereof.

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

§ 21. Assistance to elections managers

Assistance to elections 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]

§ 22. 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 election day:

- 1) the number, boundaries and numeration of the voting districts;
- 2) the locations of polling places on the advance voting days and on the election day;
- 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, municipal council and European Parliament elections and referendums, unless the rural municipality or city government determines otherwise and amends the regulation specified in subsection (2) of this section. 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]

§ 23. Formation of voting district committee

(1) In order to hold voting in the territory of a voting district, the 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 election day.

(3) The rural municipality or city secretary shall present half of the members of a voting district committee, and the political parties and election coalitions participating in the elections in this rural municipality or city shall present the remaining members.

(4) A political party or election coalition participating in the elections may present one candidate for the position of member of a voting district committee to the rural municipality or city secretary not later than on the fortieth day before election day.

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

(6) If political parties and election coalitions do not present candidates or if the number of candidates presented by them is smaller than the number of places which political parties and election coalitions 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 and election coalitions exceeds the number of places which political parties and election coalitions 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.

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

§ 23¹. 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]

§ 23². 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 the county head of elections, also another person may participate in the work of a voting district committee in exceptional cases.

(2) 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]

§ 23³. Formation of voting district committee in event of elections to council of new local authority

(1) In order for elections to the council of a new local authority to be held, a rural municipality or city electoral committee shall appoint the members and alternate members of a voting district committee pursuant to the provisions of § 23 of this Act. In such case, the resolutions of the council provided for in § 23 of this Act shall be adopted by a rural municipality or city electoral committee and the acts of a rural municipality or city secretary shall be performed by the chairman of a rural municipality or city electoral committee.

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

(2) [Repealed - RT I, 21.06.2016, 1 - entry into force 01.01.2017]

§ 23⁴. Election observation

(1) Everyone has the right to observe the activities and procedures of electoral committees and elections 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 election equipment.

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

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

Chapter 5 REGISTRATION OF VOTERS

§ 24. Registration of 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 22 (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]

§ 25. Informing citizen of European Union of right to vote in council elections

(1) Not later than on the seventieth day before election day, the chief processor of the population register shall organise the preparation of notices and their sending to citizens of the European Union who, pursuant to subsections 5 (1), (3) and (4) of this Act, have the right to participate in voting.

(2) The following shall be entered in the notice:

- 1) given name and surname of voter;
- 2) year of birth of voter;
- 3) residential address;
- 4) information on procedure for voter to exercise right to vote and to stand as candidate;
- 5) information on procedure for standing as candidate and voting.

[RT I 2005, 47, 387 - entry into force 18.09.2005]

§ 26. Voter's card

(1) The chief processor 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 election day. 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 authority to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district.

(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) number and boundaries of electoral district pursuant to subsection 8 (5) of this Act;
- 5) name of rural municipality or city and number of voting district where voter is entered in list of voters;
- 6) time and place of voting on advance voting days and on election day;
- 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 chief processor 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 on the fifteenth day before election day or whose voter's card contains incorrect information may file an application with the 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.

[RT I 2005, 47, 387 - entry into force 18.09.2005]

§ 27. List of voters

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

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

(2) The basis for the preparation of the lists of voters shall be the information prescribed in subsection 24 (3) of this Act, as at the thirtieth day before election day. Upon preparation of the list of voters, any amendments made to the information specified in clauses 24 (3) 1)-6) of this Act after the thirtieth day before election day shall also be taken into account. Amendments made to the residential address details after the thirtieth day before election day 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 election day, he or she is to be imprisoned until election day.

(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 election day. 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 10 (2) 5) of this Act.

(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 the list of voters shall sign the list of voters not later than on the seventh day before election day and the chairman of the voting district committee shall sign the list of voters on election day after the close of voting. The Head of the State Electoral Office shall sign the list of voters who voted electronically 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]

§ 28. Accessibility of lists of voters

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

(2) After election day, the authorised representatives of political parties and election coalitions, and independent candidates and their authorised representatives may, in the event of justified interest, examine lists of voters to the extent necessary with the permission of the State Electoral Office, and the lists may also be used for scientific purposes.

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

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

(1) If a voter finds that information entered in the list of voters concerning himself or herself 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 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.

§ 30. Making amendments to list of voters

(1) A 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 the list of voters, the rural municipality or city secretary shall promptly notify the voting district committee thereof.

(4) A voting district committee shall make amendments to the 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) of this section, 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. A complaint shall be filed with the rural municipality or city secretary who shall forward the complaint to the administrative court of his or her location together with a written explanation within twenty-four hours.

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

§ 30¹. Notification obligation

Officials of vital statistics offices or any other government agencies or rural municipality or city government officials, police officers, heads of medical institutions and social welfare institutions, judges, prosecutors, notaries and bailiffs who have information concerning a person of 16–17 years of age who should be divested of his or her active legal capacity with regard to the right to vote are required to notify the rural municipality or city government and a court thereof according to the usual whereabouts of the person of 16–17 years of age. The same obligation also rests with the relatives of a person of 16–17 years of age.
[RT I, 22.01.2016, 7 - entry into force 01.02.2016]

Chapter 6 NOMINATION AND REGISTRATION OF CANDIDATES

§ 31. Political party

(1) Political parties which are entered in the non-profit associations and foundations register not later than on the last day for the nomination of candidates may participate in council elections.
[RT III 2002, 22, 251 - entry into force 15.07.2002 - Judgment No. 3-4-1-7-02 of Constitutional Review Chamber of Supreme Court of 2002.22 declares subsection (1) to be in conflict with §§ 11, 12 and subsection 156 (1) of the Constitution.]

(2) [Repealed – RT I 2010, 29, 150 - entry into force 01.01.2011]

(3) Political parties shall participate in council elections under their own name.

(4) A political party shall, upon nominating candidates, submit a written notice to the rural municipality or city electoral committee which sets out the names, personal identification codes, addresses and telecommunications numbers of the authorised representatives of the political party. A person entitled to represent a political party according to the Non-profit Associations Act or the articles of association of the political party shall sign the notice.
[RT I 2010, 29, 150 - entry into force 01.01.2011]

(5) A political party may authorise up to two persons to represent the party in a rural municipality or city.

§ 31¹. Election coalition

(1) An election coalition is a civil law partnership formed by Estonian citizens and citizens of the European Union who have the right to vote, which has been formed on the basis of a written contract and which objective consists in the expression of the political interests of its members and supporters at the local government level.

(2) The name of an election coalition shall contain the word *valimisliit*[election coalition].

(2) An election coalition shall be presented for registration to the rural municipality or city electoral committee not earlier than on the sixtieth and not later than on the forty-fifth day before election day.

(3) In order for the candidates of an election coalition to be registered, the authorised representative of the election coalition shall submit a notice to the rural municipality or city electoral committee. The notice shall set out the following:

1) name of rural municipality or city for council elections of which election coalition is formed;
2) name of election coalition;
3) written contract of partnership, which contains the names, personal identification codes, addresses and telecommunications numbers of at least two persons authorised to manage the election coalition;

4) names, personal identification codes and signatures of Estonian citizens and citizens of the European Union who have right to vote and who formed election coalition.

(4) The name of an election coalition shall not be offensive or misleading. The name of an election coalition registered in the previous council elections may be used if more than half of the persons who formed the previous the election coalition also form the new election coalition. It is prohibited to use the name of a political party or another election coalition or a name confusingly similar thereto as the name of an election coalition.

(5) A rural municipality or city electoral committee shall register an election coalition presented for registration according to the requirements within three days after receipt of the documents set out in subsection (4) of this section.

(6) A rural municipality or city electoral committee shall not register an election coalition if the documents set out in subsection (4) of this section are not submitted within the term for presentation for registration thereof or if they contain omissions or errors or if the formation of the election coalition is prohibited arising from this Act. [RT I, 10.12.2010, 1 - entry into force 01.04.2011]

§ 32. Independent candidate

(1) Every person who has the right to stand as a candidate (subsections 5 (5) and (6)) may nominate himself or herself as an independent candidate and perform the acts necessary for registration. Every person who has the right to vote pursuant to subsections 5 (1), (3) and (4) of this Act may nominate another person as an independent candidate and perform the acts necessary for registration on the basis of a corresponding authorisation document.

[RT III 2002, 22, 251 - entry into force 15.07.2002 - Judgment No. 3-4-1-7-02 of Constitutional Review Chamber of Supreme Court of 2002.22 declares subsection (1) to be in conflict with §§ 11, 12 and subsection 156 (1) of the Constitution.]

(2) An independent candidate may be nominated in only one electoral district.

§ 32¹. Documents for standing as candidate

The State Electoral Office shall prepare and publish the sample documents for standing as a candidate and provide an opportunity to submit the documents for standing as a candidate using electronic means.

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

§ 33. Application to stand as candidate

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

(1) In an application to stand as a candidate, a person shall:

- 1) express his or her desire to stand as a candidate in the list of a political party or election coalition or to stand as an independent candidate;
- 2) confirm that he or she complies with the requirements of this Act for candidates standing in council elections;
- 3) submit the data provided for in subsections (2)–(3) of this section.

(2) A candidate shall submit in an application to stand as a candidate the following information:

- 1) given name and surname;
- 2) personal identification code;
- 3) membership of a political party;
- 4) residential address;
- 5) telecommunications numbers;
- 6) contact details;
- 7) information concerning the education;
- 8) place of employment and position.

(3) A citizen of the European Union shall additionally enter data on citizenship in an application to stand as a candidate.

(4) The State Electoral Office shall publish the information provided for in clauses (2) 1), 3), 6), 7) and 8) and subsection (3) of this section.

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

(5) A candidate shall use only his or her given name and surname as his or her name when standing as a candidate.

(6) A candidate shall sign an application to stand as a candidate.

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

§ 34. List of candidates

- (1) A political party or an election coalition shall prepare the following:
- 1) the lists of candidates in electoral districts;
 - 2) in Tallinn, an additional city list of candidates.
- [RT I, 21.06.2016, 1 - entry into force 01.07.2016]
- (2) A nominated candidate shall be included in both lists specified in subsection (1) of this section.
- (3) A person may stand as a candidate in only one electoral district.
- (4) A person may stand as a candidate in one list of candidates prepared by a political party or election coalition. A person who is nominated as an independent candidate shall not stand in a list of candidates.
- (5) A political party or election coalition may present only one candidate list for registration in an electoral district.
- (6) The order of the candidates in a list of candidates shall be specified by the political party or election coalition.
- (7) All the authorised representatives of a political party or election coalition shall sign the lists of candidates in electoral districts and the city list of candidates.
- [RT I 2008, 53, 293 - entry into force 17.12.2008]

§ 35. Nomination of candidates

- (1) The nomination of candidates shall begin on the sixtieth day before election day. A political party may put forward its candidates after submission of a notice specified in subsection 31 (4) of this Act and an election coalition may put forward its candidates after registration of the election coalition.
- (2) The nomination of candidates shall end at 6 p.m. on the fortieth day before election day.
- (3) In order to register candidates, a political party or election coalition shall submit the following to the rural municipality or city electoral committee:
- 1) an application for the registration of candidates;
 - 2) the lists of candidates in electoral districts;
 - 2¹) in Tallinn, an additional city list of candidates.
- [RT I, 21.06.2016, 1 - entry into force 01.07.2016]
- 3) an application to stand as a candidate of each candidate.
- [RT I, 11.07.2014, 1 - entry into force 21.07.2014]
- (4) An independent candidate shall submit the following to the rural municipality or city electoral committee:
- 1) an application for the registration of candidate;
 - 2) an application to stand as a candidate.
- [RT I, 11.07.2014, 1 - entry into force 21.07.2014]

§ 36. Acceptance and return of documents

- (1) Rural municipality and city electoral committees shall maintain records concerning the nomination of candidates.
- (2) The registration documentation of candidates shall be delivered by an authorised representative of the political party or election coalition. The registration documents of an independent candidate shall be delivered by the independent candidate or his or her authorised representative.
- (3) If all the required documents have not been submitted to a rural municipality or city electoral committee, the submitted documents contain errors or omissions, the person who accepts the documents shall propose to the person submitting the documents to submit the required documents or data or to correct the errors. All the documents submitted shall be returned.
- [RT I, 06.05.2016, 1 - entry into force 01.01.2017]
- (4) If a political party, an election coalition or an independent candidate wishes to make amendments to the registration documents of candidates, the rural municipality or city electoral committee shall return all the submitted documents and, upon re-submission thereof, the documents are deemed to have been submitted for the first time.
- (5) If a candidate is deleted from the list of nominated candidates on the basis of a personal application, the rural municipality or city electoral committee shall return an application to stand as a candidate to him or

her and inform an authorised representative of the political party, election coalition or independent candidate thereof. The political party or election coalition need not re-submit the registration documentation of candidates. [RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(6) If a political party, election coalition or an independent candidate submits documents before 6 p.m. on the fortieth day before election day and it becomes evident that not all the required documents have been submitted, that the documents contain omissions or that the documents submitted contain errors which cannot be corrected immediately, the documents shall be accepted. The person who accepts the documents shall propose to the person submitting the documents to submit the missing documents or data or to correct the errors. In such case, the political party, election coalition or independent candidate shall perform the required acts not later than before 6 p.m. on the thirty-eighth day before election day. [RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 37. Registration of candidates

(1) The rural municipality or city electoral committee shall, after expiry of the term for the nomination of candidates but not later than on the thirty-fifth day before election day, register all persons nominated in accordance with the requirements of this Act in the order of their nomination.

(2) Each candidate shall be assigned a registration number. Registration numbers shall begin at 101 and be assigned to the candidates by lists of political parties and independent candidates. Independent candidates shall be assigned a registration number after each list of candidates of political parties and election coalitions has been assigned a registration number. The order in which numbers are assigned to the political parties, election coalitions and independent candidates shall be decided by lot. [RT I 2004, 71, 501 - entry into force 29.10.2004]

(3) If, within the term specified in subsection 36 (6) of this Act, the person submitting the documents has failed to submit the missing documents or data or to correct the errors in the documents for standing as a candidate, an electoral committee shall not register:

- 1) any of the candidates nominated by a political party or election coalition if a document specified in clauses 35 (3) 1), 2) or 2¹) of this Act is missing or it contains material deficiencies;
- 2) a candidate whose documents or data are missing or whose documents contain material deficiencies;
- 3) a candidate who does not comply with the requirements prescribed in subsections 5 (5) and (6) of this Act. [RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(4) A rural municipality or city electoral committee shall adopt a reasoned resolution on failure to register a candidate.

(5) A rural municipality or city electoral committee shall revoke a resolution to register a candidate if:

- 1) the candidate declines to stand as a candidate on the basis of a written application which may be submitted by him or her within three days after registration;
- 2) the candidate dies;
- 3) it is established that the candidate does not comply with the requirements prescribed in subsections 5 (5) or (6) of this Act.

(6) A rural municipality or city electoral committee shall register a person who was not registered previously after the term specified in subsection (1) of this section if the committee finds that the person complies with the requirements prescribed in subsections 5 (5) and (6) of this Act or if the resolution not to register the candidate is revoked by a resolution of the National Electoral Committee or a judgment of the Supreme Court. [RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(7) A resolution on registration may be revoked and a person who was not registered may be registered not later than by the thirteenth day before election day.

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

§ 38. Supplementary nomination of candidates

(1) If the number of candidates nominated in an electoral district is equal to or less than the number of mandates in the district, the rural municipality or city electoral committee shall propose that the political parties and the election coalitions registered in the rural municipality or city supplementarily nominate candidates and that the voters supplementarily nominate independent candidates. Candidates who are supplementarily nominated shall be registered together with the candidates initially nominated not later than on the fifteenth day before election day. [RT I 2002, 68, 407 - entry into force 07.08.2002]

(2) The requirements of §§ 35–37 of this Act shall be observed in the supplementary nomination and the registration of candidates.

(3) If, on the fifteenth day before election day, the number of candidates nominated in an electoral district is equal to or less than the number of mandates in the district, the rural municipality or city electoral committee shall adopt a resolution concerning postponement of the elections for up to one month in the rural municipality

or city. In such case, the rural municipality or city electoral committee shall at the same time prepare and publish a schedule for holding the elections.

[RT I 2008, 53, 293 - entry into force 17.12.2008]

(4) In the event of the postponement of elections, the provisions of §§ 46–51 and Chapter 7¹ of the Act do not apply.

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

§ 39. Consolidated list of candidates in electoral district and list of candidates to all councils

(1) After the registration of candidates, the rural municipality or city electoral committee shall prepare the consolidated list of candidates in the electoral district.

(2) Candidates shall be entered in the consolidated list of candidates in an electoral district by the lists of candidates of political parties and election coalitions in the electoral district in the order of their registration numbers. The name of the political party or election coalition which puts forward the list shall be indicated at the top of the list of candidates in the electoral district. Independent candidates shall be entered in the consolidated list of candidates in an electoral district in the order of their registration numbers after the lists of candidates of political parties and election coalitions in the electoral district.

[RT I 2004, 71, 501 - entry into force 29.10.2004]

(3) The registration number and name of each candidate shall be set out in the consolidated list of candidates in an electoral district. If several candidates with the same name stand in one electoral district, their dates of birth shall also be set out in the consolidated list.

(4) A rural municipality or city electoral committee shall forward the consolidated lists of candidates in the electoral district and the city lists of candidates. The State Electoral Office shall prepare the list of candidates to all councils.

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

(5) A rural municipality or city electoral committee shall notify the State Electoral Office promptly of all corrections and amendments to the consolidated list of candidates in the rural municipality or city or the city list of candidates. The State Electoral Office shall notify other electoral committees of such corrections and amendments. The electoral committees shall make the corresponding corrections and amendments to the consolidated list of candidates to all councils. The lists of candidates shall not be amended after the thirteenth day before election day.

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

Chapter 7 VOTING PROCEDURE

§ 40. Polling place

(1) Voting in a voting district shall be held at a polling place designated by the rural municipality or city government. Different polling places may be designated for voting on election day 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 voting outside the voting districts of voters' residences is held, the polling place shall have, during advance voting, a separate voting booth and ballot box for the voters who vote outside the voting district of their residence. The consolidated list of candidates in the electoral district and, in Tallinn, the additional city list shall be posted in the polling place.

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(3) 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.

§ 41. Voting booth

(1) A voting booth shall enable secret ballot.

(2) A voting booth shall have a table and a writing instrument. The consolidated list of candidates in the electoral district shall be posted on the wall of the voting booth.

§ 42. 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) On advance voting days, voting district committees shall seal the openings of the ballot boxes used for advance voting after the close of voting.

§ 43. Ballot paper

(1) 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]

(2) 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]

(3) After the receipt of ballot papers, a voting district committee shall put an impression of the seal of the voting district committee on the ballot papers.

§ 44. Time of voting

(1) Voting on election day 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 election day in a voting district designated by the county head of elections. Voting shall open at 12 a.m. and close at 8 p.m.;

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

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

(3) Home voting shall be held on election day in the cases prescribed by this Act.

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

§ 45. Voting

(1) A voter shall vote in the voting district in which he or she is entered in the list of voters, except in the cases prescribed in §§ 47-51 and Chapter 7¹ of this Act.

[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 write the registration number of the candidate in the electoral district of his or her residence for whom he or she wishes to vote in the designated space on the ballot paper.

(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 voter, but not a candidate in the election district of his or her residence, 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 spoiled 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 a voter, due to physical disability, is unable to deposit the ballot paper in the ballot box himself or herself, another voter may do so at his or her request in the presence of the voter.

§ 46. Advance voting

- (1) Advance voting shall be held pursuant to the procedure prescribed in § 45 of this Act.
- (2) A voter entered in the list of voters who has attained 16 years of age by the day of the advance voting has the right to vote at the advance voting.
[RT I, 22.01.2016, 7 - entry into force 01.02.2016]
- (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 voters who have 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.

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

- (1) On advance voting days (subsection 44 (2)), voters may vote outside the voting district of their residence in a voting district designated by the county head of elections or rural municipality or city government.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]
- (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 44 (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 (§ 49) or in custodial institutions, hospitals and twenty-four hour social welfare institutions (§ 51).
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]
- (3) The county head of elections, except the Harju County Head of Elections and the Tartu County Head of Elections, shall designate, not later than on the forty-fifth day before election day, 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 44 (2) 1) of this Act.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 48. Advance voting held outside voting district of residence in polling place

- (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 he or she shall be entered in the list of voters voting outside the voting district of their residence.
- (2) The member of the voting district committee shall issue to the voter a ballot paper, two envelopes and the consolidated list of candidates in the electoral district of the residence of 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 45 (3)–(6) of this Act.
- (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 in the other envelope given to him or her 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 who vote outside the voting district of their residence.

§ 49. 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 prescribed in subsection 47 (2) of this Act. The voting district committee shall register the application. 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]
- (2) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 45 (4)–(6) and subsections 48 (1), (2) and (4) of this Act.

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

§ 51. 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 44 (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 47 (2) of this Act.

(3) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 45 (4)-(6) and subsections 48 (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 § 53 of this Act.

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

§ 52. 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 election day 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 election day. 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 45 (1), (2), (4), (5), (6) and (8) of this Act.

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

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

(1) A voting district committee shall pack the envelopes with the ballot papers of voters who voted outside the voting district of their residence by the counties, and by the cities of Tallinn and Tartu, and shall forward the envelopes to the county head of elections of their location.

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

(2) The county head of elections shall forward the envelopes with ballot papers specified in subsection (1) of this section to the appropriate county heads of elections through the State Electoral Office not later than on the second day before election day.

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

(3) The county head of elections shall forward the envelopes with ballot papers received from other county heads of elections pursuant to the procedure prescribed in subsection (2) of this section to the relevant voting district committees not later than on the day preceding election day.

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

(4) After receipt of the envelopes with ballot papers pursuant to the procedure prescribed in subsection (3) of this section, 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), (5) and (6) of this section, 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 2005, 47, 387 - entry into force 18.09.2005]

§ 53¹. [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]

§ 53². Organisation of electronic voting

Electronic voting shall be organised at the time provided for in clause 44 (2) 3) of this Act and pursuant to the procedure provided for in Chapter 7¹ of the Riigikogu Election Act.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

Chapter 8 **ASCERTAINING OF VOTING** **RESULTS AND ELECTION RESULTS**

§ 54. 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 division committee shall use the polling lists to verify the number of voters entered in the lists and count the signatures in the polling lists given in receipt of a ballot paper to verify the number of voters who were given a ballot paper, and shall enter these numbers in a standard format record.

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

(5) An 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) The impression of the seal of the voting district committee shall be affixed to 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 election day.

(7) On the basis of the ballot papers in the ballot box, the voting district committee shall verify the number of persons who participated in the voting, the number of invalid ballot papers and the number of votes cast for candidates, political parties and election coalitions, and shall enter these numbers in a standard format record.

- (8) A ballot paper is deemed to be invalid if:
- 1) it does not bear two impressions of the seal of the voting district committee,
 - 2) no candidate registration number or more than one candidate registration number has been written on the ballot paper;
 - 3) the candidate whose number is written on the ballot paper is not standing in the electoral district;
 - 4) the candidate registration number written on the ballot paper has been corrected, or
 - 5) the candidate registration number written on the ballot paper is illegible.

(9) If no candidate registration number has been written on a ballot paper but the will of the voter is clear and unambiguous, the ballot paper is deemed to be valid.

(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 by candidate and invalid ballot papers, ballot papers which were not issued to voters and spoiled ballot papers returned by voters shall be packaged in separate packets. The voting district from which the ballot papers originate and the type and number of ballot papers in the packet shall be noted on each packet. 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 the rural municipality or city electoral committee.

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

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

[RT I 2005, 47, 387 - entry into force 18.09.2005]

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

§ 54². Counting of votes cast using electronic means

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

(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 for each voting district:

- 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 electronic votes cast for candidates, political parties and election coalitions.

(6) An electronic vote which does not contain the registration number of the candidate in the electoral district of the residence of the voter 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]

§ 55. Ascertaining of voting results in rural municipality or city electoral committees

(1) On the basis of the records received from the voting district committees and the voting results of voters who voted electronically, the rural municipality or city 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 votes cast for candidates, political parties and election coalitions in each electoral district. The result obtained shall be checked by recounting the ballot papers.

(2) If the numbers obtained by recounting the ballot papers are different from the numbers in the records of a voting district committee, the rural municipality or city electoral 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 rural municipality or city electoral committee shall adopt a decision concerning the final voting results.

(3) A rural municipality or city electoral committee shall prepare a standard format record concerning the ascertaining of the voting results in the rural municipality or city which shall be signed by the chairman of the committee. The date and time of preparation of the record shall be indicated therein.

(4) [Repealed – RT I 2005, 47, 387 - entry into force 18.09.2005]

(5) Voting results shall be ascertained in a rural municipality or city electoral committee in public.
[RT I 2002, 68, 407 - entry into force 07.08.2002]

§ 56. Ascertaining of election results

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(1) A simple quota shall be calculated for each electoral district, which shall be obtained by dividing the number of valid votes cast in the electoral district by the number of mandates in the district.
[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(2) A candidate in favour of whom the number of votes cast exceeds or equals the simple quota is elected.

(3) Mandates which are not distributed in the electoral district on the basis of a simple quota shall be distributed as list mandates between the political parties and election coalitions whose candidates collectively receive at least 5 per cent of the votes in the corresponding rural municipality or city.

(4) In order to distribute list mandates, the candidates shall be ranked in the lists of candidates in electoral districts according to the number of votes cast for each candidate. If at least two candidates receive an equal number of votes, the candidate who is further towards the bottom of the list shall be ranked ahead. The votes cast for candidates standing in the list of candidates of the same political party or election coalition in an electoral district shall be totalled.

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(5) The list mandates shall be distributed using the d'Hondt distribution method with the distribution series of 1, 2, 3, 4, etc. In calculating the comparative figure for each political party or election coalition, as many first elements of the series shall be omitted as the number of mandates obtained by the political party or election coalition in the corresponding electoral district on the basis of the simple quota. If the comparative figures of at least two political parties or election coalitions are equal, the mandate shall be received by the political party or election coalition whose candidates were positioned further toward the bottom in the consolidated list of candidates.

[RT I 2008, 53, 293 - entry into force 17.12.2008]

(6) The candidate who is further towards the top of the list shall be given the list mandate in a list of candidates in an electoral district where the candidates are re-ranked (subsection (4)). Upon the distribution of mandates, the candidates who were elected on the basis of a simple quota shall be omitted.

(7) No political party or election coalition shall be given more mandates than there are candidates in the list of candidates in an electoral district.

(8) If a candidate of a political party or election coalition dies after the start of advance voting, the votes cast for him or her shall be retained by that political party or election coalition. If an independent candidate dies after the start of advance voting, the votes cast for him or her shall not be taken into account in the ascertaining of the election results.

(9) If only independent candidates are in the consolidated list of candidates in an electoral district, the candidates who receive the greatest number of votes shall be elected. If at least two candidates receive an

equal number of votes, the candidate who was positioned further toward the bottom in the consolidated list of candidates in an electoral district shall be elected.

(10) If, after the distribution of mandates on the basis of a simple quota and as list mandates, some of the mandates have not been distributed, the candidates who receive the greatest number of votes from among the remaining candidates shall be elected.

(11) A rural municipality or city electoral committee shall prepare a record concerning the election results which shall be signed by the chairman of the committee. The date and time of preparation of the record shall be indicated therein.

(12) Election results shall be ascertained in a rural municipality or city electoral committee in public.
[RT I 2005, 47, 387 - entry into force 18.09.2005]

§ 56¹. Ascertaining of election results in Tallinn

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(1) A simple quota shall be calculated for each electoral district, which shall be obtained by dividing the number of valid votes cast in the electoral district by the number of mandates in the district.

(2) A candidate in favour of whom the number of votes cast exceeds or equals the simple quota is elected.

(3) In the lists of candidates of those political parties or election coalitions in an electoral district whose candidates receive at least 5 per cent of the votes in a rural municipality or city, the candidates shall be ranked according to the number of votes cast for each candidate. The votes cast for candidates standing in the list of candidates of the same political party or election coalition in an electoral district shall be totalled. A political party or an election coalition shall be given as many mandates as the number of times by which the number of votes it receives in the electoral district exceeds the simple quota. Mandates obtained pursuant to subsection (2) of this section are also deemed to be mandates of a political party or election coalition. The candidates who are further towards the top of the list shall be elected. If at least two candidates receive an equal number of votes, the candidate who is positioned further towards the top of the city list of candidates shall be elected.
[RT I 2009, 23, 144 - entry into force 01.05.2009]

(4) Mandates which are not distributed in electoral districts on the basis of a simple quota shall be distributed as compensation mandates between the political parties or election coalitions whose candidates collectively receive at least 5 per cent of the votes in the rural municipality or city.

(5) Compensation mandates shall be distributed using the d'Hondt distribution method with the distribution series of 1, 2, 3, 4 etc. In calculating the comparative figure for each political party or election coalition, as many first elements of the series shall be omitted as the number of mandates obtained by the political party or election coalition in the electoral districts. If the comparative figures of at least two political parties or election coalitions are equal, the mandate shall be received by the political party or election coalition whose candidates were positioned further toward the bottom in the consolidated list of candidates in an electoral district.

(6) In the city list of candidates, the candidate who is further towards the top of the list shall be given a compensation mandate. Upon the distribution of mandates, the candidates who were elected in electoral districts shall be omitted.
[RT I 2009, 23, 144 - entry into force 01.05.2009]

(7) In the event of an equal number of votes, the candidate who is further towards the top of the submitted list shall be given a compensation mandate.

(8) No political party or election coalition shall be given more mandates than there are candidates in its list of candidates.

(9) If a candidate of a political party or election coalition dies after the start of advance voting, the votes cast for him or her shall be retained by that political party or election coalition. If the registration decision of an independent candidate is annulled or an independent candidate dies, votes cast in favour of the candidate shall not be taken into account in the ascertaining of election results.

(10) A rural municipality or city electoral committee shall prepare a record concerning the election results which shall be signed by the chairman of the committee. The date and time of preparation of the record shall be indicated therein.

(11) Election results shall be ascertained in a rural municipality or city electoral committee in public.
[RT I 2008, 53, 293 - entry into force 17.12.2008]

Chapter 9

SPECIFICATIONS FOR SUPPLEMENTARY COUNCIL ELECTIONS

§ 57. Specifications for supplementary elections

(1) Supplementary elections shall be held in accordance with this Act, taking into account the specifications provided for in this Chapter.

(2) Persons who meet the requirements prescribed in subsections 5 (1)-(4) of this Act and whose permanent residence, i.e. residence the address details of which have been entered in the population register, is located in the rural municipality or city on the date elections are declared may participate in voting in supplementary elections.

(3) Persons who meet the requirements prescribed in subsections 5 (5) and (6) of this Act and whose permanent residence, i.e. residence the address details of which have been entered in the population register, is located in the rural municipality or city on the date elections are declared may stand as candidates in supplementary elections.

(4) A new rural municipality or city electoral committee or new voting district committees shall not be formed for supplementary elections.

(5) In the event of supplementary elections, a total of at least fifteen days shall be provided for the nomination and registration of candidates.

(6) If there are not enough funds in the budget of a rural municipality or city to prepare and hold supplementary elections, the expenditure relating to the elections shall be covered from the state budget at the request of and to the extent indicated by the county governor. An allocation received from the state budget in order to hold supplementary elections shall be withheld from the budget of the following year of the corresponding rural municipality or city. The Government of the Republic has the right to reduce the repayable amount or to exempt the rural municipality or city from the obligation to repay.

(7) The provisions of §§ 46–51 and Chapter 7¹ of this Act do not apply to supplementary elections.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

Chapter 9¹ SPECIFICATIONS OF ELECTIONS OF COUNCIL OF NEW LOCAL GOVERNMENT DURING PERIOD BETWEEN REGULAR ELECTIONS

§ 57¹. Specifications of elections of council of new local authority held during period between regular elections

(1) In the case provided for in subsection 4 (2) of this Act, the elections of the council of the new local authority shall be held in accordance with this Act, taking into account the specifications provided for in this Chapter.
[RT I 2006, 32, 244 - entry into force 17.07.2006]

(2) Persons who meet the requirements prescribed in subsections 5 (1)-(4) of this Act and whose permanent residence, i.e. residence the address details of which have been entered in the population register, is located within the territory of the merging local authority, may participate in voting in elections of the council of the new local authority.
[RT I 2006, 32, 244 - entry into force 17.07.2006]

(3) Persons who meet the requirements prescribed in subsections 5 (5) and (6) of this Act and whose permanent residence, i.e. residence the address details of which have been entered in the population register, is located within the territory of the merging local authority on the date elections are declared may stand as candidates in elections of the council of the new local authority.
[RT I 2006, 32, 244 - entry into force 17.07.2006]

(4) A rural municipality or city electoral committee shall, by a resolution thereof and with the approval of the State Electoral Office, establish the terms for acts regarding elections and publish them within three days as of the date on which the elections are declared.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(5) In the event of elections of the council of a new local authority, a total of at least twenty-five days shall be provided for the nomination and registration of candidates.
[RT I 2006, 32, 244 - entry into force 17.07.2006]

(6) The provisions of §§ 47, 48 and Chapter 7¹ of this Act do not apply to the elections of the council of a new local authority. Advance voting held outside the electoral district of residence at the location of voters (§ 49) and voting in custodial institutions (§ 51) shall be held only within the territory of the merging local authority. A rural municipality or city government shall designate a voting district committee which shall hold voting at the location of voters or in custodial institutions.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

Chapter 10

ELECTION EXPENDITURE

§ 58. Expenditure for organisation of elections

(1) Expenses which are incurred in the course of the organisation of elections by a rural municipality or city government, rural municipality or city electoral committee and voting district committee shall be covered from the budget of the rural municipality or city.

(2) The expenditure of the State Electoral Office and the county head of elections shall be covered from the state budget.
[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) [Repealed - RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(5) Expenditure relating to the registration of voters (Chapter 5) shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of the Interior.

§ 59.–§ 61.[Repealed RT I, 10]

Chapter 11

NOTICES AND COMPLAINTS

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

§ 62. Notice concerning deficiency in electoral management

(1) A person who finds that the elections manager has infringed his or her rights or otherwise violated the law, may submit a notice concerning a deficiency in electoral 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]

§ 63. Definition of complaint

For the purposes of this Act, a complaint is a request for the review and annulment of a resolution of a rural municipality or city electoral committee or for the declaration of an act of the elections manager or a rural municipality or city electoral committee as unlawful, which is filed with the National Electoral Committee and is prepared according to the requirements of this Act, and an appeal filed with the Supreme Court pursuant to

the procedure provided for in § 66¹ of this Act against a resolution adopted or act made by the National Electoral Committee.

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

§ 64. Right to file complaint

An individual, candidate, election coalition and political party (hereinafter *interested person*) who find that their rights have been infringed by a contested resolution or act shall have the right to file a complaint.

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

§ 65. 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) information concerning the contested resolution or the description of the contested act;
- 4) the reasons why the complainant finds that the contested resolution or act violates the rights of the person;
- 5) the reasons why the complainant finds that the contested resolution or act is not lawful;
- 6) how and when the complainant became aware of the contested resolution or 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. A complaint filed by a political party or election coalition shall be signed by an authorised representative of the political party or election coalition.

(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 § 64 and subsection 66 (1) of this Act, the National Electoral Committee may dismiss the complaint. In case of dismissal of the complaint, the National Electoral Committee may forward the complaint to the State Electoral Office for responding pursuant to the procedure provided for in subsection 62 (6) of this Act. 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]

§ 66. Review of complaint in National Electoral Committee

(1) A complaint shall be filed with the National Electoral Committee within three days as of:

- 1) adopting of contested resolution or making the contested act, or
- 2) reviewing a notice provided for in § 62 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.

(3) 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.

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

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

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

(1) If an interested person finds that an act of the elections manager or a resolution or act of a rural municipality or city electoral committee or 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 elections manager or a resolution or act of a rural municipality or city electoral committee or the National Electoral Committee may be filed with the Supreme Court after adjudication of the case in the National Electoral Committee.

(3) An appeal against an act of the elections manager or a resolution or act of a rural municipality or city electoral committee or the National Electoral Committee shall be filed through the National Electoral

Committee with the Supreme Court within three days as of the communication of the resolution or performance of the act of the National Electoral Committee.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 67. 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, electoral district, rural municipality or city invalid, the National Electoral Committee shall determine a new date for the election and a repeat vote shall be held in the relevant voting district, electoral district, rural municipality or city. The election results shall be ascertained after the results of the repeat vote become clear.

(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 election day.

(3) The provisions of §§ 46-51 and Chapter 7¹ 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 2002, 63, 387 - entry into force 01.09.2002]

§ 67¹. Failure to submit information or materials or to comply with resolution of electoral committee

(1) Failure to submit information or materials for the organisation of elections or failure to comply with a resolution of an electoral committee is punishable by a fine of up to 20 fine units.

(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) of this section.
[RT I 2009, 27, 165 - entry into force 01.01.2010]

§ 67². Violation of restrictions established on outdoor political advertising

[Repealed - RT I 12.07, 2014, 1 - entry into force 01.01.2015]

§ 67³. 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) of this section.
[RT I 2009, 27, 165 - entry into force 01.01.2010]

Chapter 12 FINAL PROVISIONS

§ 68. Registration of members of council and commencement of their authority

(1) The rural municipality or city electoral committee shall, by a resolution, register the elected members of a council after election day if the term for filing complaints and appeals with the National Electoral Committee and the Supreme Court has expired or if final resolutions have been adopted in respect of such complaints and appeals.

(2) In the case prescribed in § 67 of this Act, the rural municipality or city electoral committee shall, by a resolution, register the elected members of the council after the repeat vote, taking into consideration the provisions of subsection (1) of this section.

(3) The election results are deemed to be declared and the authority of a member of a council shall commence on the date following the publication of the resolution of the rural municipality or city electoral committee set out in subsection (1) or (2) of this section.

(3¹) If a candidate who is elected holds an office at the time of the declaration of the election results, which is incompatible with the office of a council member, he or she must notify the rural municipality or city electoral committee, within three working days after the date of declaration of election results, whether he or she wishes to participate in the work of the municipal council or wishes to continue in his or her current office and decline the mandate.

[RT I, 12.03.2015, 2 - entry into force 22.03.2015]

(4) The authority of members of a council elected at supplementary elections or elections of council of a new local authority in the case provided for in subsection 4 (2) of this Act shall terminate at the same time as the authority of members of the council elected at the time prescribed in § 2 of this Act.

(5) The rural municipality or city electoral committee shall convene the elected council not later than on the seventh day after the declaration of the election results.

[RT I 2006, 32, 244 - entry into force 17.07.2006]

§ 69. Registration of alternate council members

(1) The rural municipality or city electoral committee shall register the alternate members of a council by a resolution. The rural municipality or city electoral committee shall forward the resolution to the chairman of the council.

(2) The alternate members shall be registered by electoral district to the political parties and election coalitions whose candidates have collectively received at least 5 per cent of the valid votes in the corresponding rural municipality or city. If only independent candidates are in the consolidated list of candidates in an electoral district, the unelected independent candidates who ran as candidates in the electoral district shall be registered as alternate members.

(3) Candidates shall be registered, by each electoral district, to political parties and election coalitions as alternate members for candidates who were elected in electoral districts and shall be ranked according to the number of votes received. If candidates receive an equal number of votes from voters, the candidate who was positioned further towards the bottom of the list of candidates in the electoral district of a political party or election coalition shall be positioned ahead.

[RT I 2008, 53, 293 - entry into force 17.12.2008]

(4) Unelected candidates shall be registered as alternate members for candidates who were elected on the basis of compensation mandates in the order specified in the city list of the political party or election coalition.

[RT I 2008, 53, 293 - entry into force 17.12.2008]

§ 70. Registration of additional mandates

(1) The table of comparative figures of political parties and election coalitions which is approved by a resolution of the relevant rural municipality or city electoral committee shall be the basis for the distribution of additional mandates. The rural municipality or city electoral committee shall forward the resolution to the chairman of the council.

(2) The table of comparative figures shall set out the comparative figures obtained for a political party or election coalition in size order, starting from the comparative figure which was the first not to be taken into account upon distribution of the list mandates (subsection 56 (5)) or upon distribution of compensation mandates in Tallinn (subsection 56¹(5)).

[RT I, 21.06.2016, 1 - entry into force 01.07.2016]

(3) If at least two comparative figures are equal, the comparative figure of the political party or election coalition which received more votes from voters shall receive a higher ranking. If the number of votes cast to political parties or election coalitions is equal, the political party or election coalition whose candidates were positioned further toward the bottom in the consolidated list of candidates shall rank higher.

[RT I 2005, 47, 387 - entry into force 18.09.2005]

§ 70¹. [Repealed - RT III 2005, 13, 128 - entry into force 19.04.2005]

§ 70². Preservation of ballot papers and election documents

(1) The rural municipality or city electoral committee shall preserve the ballot papers for one month as of election day. 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 electoral committee shall organise the destruction of the ballot papers and document it.

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

(2) The State Electoral Office shall preserve the electronic votes for one month as of election day. 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 and election 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) A rural municipality or city electoral committee shall organise the preservation of the records of voting results and election results and other election documents.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 70³. Specifications for performance of election activities in course of alteration of administrative-territorial organisation initiated by Government of the Republic upon exercise of administrative reform

(1) The election activities necessary for alteration of administrative-territorial organisation initiated by the Government of the Republic shall be performed pursuant to the procedure provided for in this Act, the Administrative Reform Act and the Territory of Estonia Administrative Division Act, taking account of the specifications provided for in this section.

(2) Unless the local authorities have performed the election activities or adopted the relevant resolutions no later than by 15 June 2017 or unless the specified resolutions are identical, the election activities shall be performed no later than by 19 July 2017 as follows:

- 1) the number of the council members of a local authority to be formed upon merger shall be approved by the relevant county governor according to the number of members of the next membership stipulated in the second sentence of subsection 7 (1) and subsection 7 (2) of this Act in such way that the minimum number of the council members provided for in subsection 7 (2) corresponding to the number of residents of the local authority to be formed as a result of the merger shall be determined as the number of the council members;
- 2) based on the provisions of subsection 8 (5) of this Act, the relevant county governor shall form one electoral district in the territory of a new rural municipality or city to be formed upon merger, excluding the case when the alteration of administrative-territorial organisation initiated by the Government of the Republic comprises local authorities who have agreed, in the course of alteration of administrative-territorial organisation initiated by the municipal councils, on the formation of more than one electoral district;
- 3) the relevant county governor shall form voting districts in the territory of a new rural municipality or city to be formed upon merger based on the voting districts formed in the rural municipalities or cities to be merged for the previous elections according to the effective regulations of the municipal administrations of the rural municipalities or cities to be merged regarding the formation of voting districts and the provisions of § 22 of this Act;
- 4) the relevant county governor shall appoint, based on the electoral committees formed by the councils of the local authorities to be merged, the members and up to two alternate members of the electoral committee of a rural municipality or city to be formed upon merger, pursuant to the provisions of subsection 14 (1) and subsection 17 (2) of this Act, and shall specify the location of the electoral committee.

(3) In the case specified in clause (2) 1) of this section, a number exceeding the minimum permitted number of the council members provided for in subsection 7 (2) of this Act shall be determined as the number of the council members if one of the councils of the merging local authorities has approved a larger number as the number of the council members.

(4) If the municipal councils pursuant to clause (2) 2) of this section have agreed on the formation of several electoral districts, the county governor shall form separate electoral districts in the territory of the relevant merging local authorities.

(5) The rural municipality or city electoral committee shall appoint the members and alternate members of a voting district committee pursuant to the provisions of § 23 of this Act. In such case, the resolutions of the council provided for in § 23 shall be adopted by a rural municipality or city electoral committee and the acts of a rural municipality or city secretary shall be performed by the chairman of a rural municipality or city electoral committee.

(6) Clerical support to a rural municipality or city electoral committee and voting district committee shall be provided by the county government.

(7) Expenses of a rural municipality or city electoral committee and voting district committee, which are related to the organisation of elections, shall be covered pursuant to the procedure established on the basis of subsection 58 (3) of the State Budget Act.

(8) The provisions of subsections (2)–C0#3F(4) of this section shall also apply upon alteration of administrative-territorial organisation of the rural municipalities and cities at the initiative of the municipal council specified in Chapter 2 of the Administrative Reform Act, unless local authorities have performed the election activities or adopted the relevant resolutions by the date specified in subsection (2) of this section or unless the specified resolutions are identical.

[RT I, 21.06.2016, 1 - entry into force 01.01.2017]

§ 71.–§ 73.[Omitted from this text.]

§ 74. Entry into force of Act

(1) This Act enters into force on the tenth day following the date of publication of this Act in the *Riigi Teataja*.

(2) Section 71 and clause 72 2) enter into force on 17 October 2005.

(3) Clause 72 1) enters into force on 21 October 2002.

[RT I 2002, 68, 407 - entry into force 07.08.2002]

(4) The provisions of subsections 5 (1) and (5), subsections 14 (1) and (2), clause 17 (4) 3), § 25, subsection 31¹(1) and clause 31¹(3) 4) concerning citizens of the European Union enter into force upon Estonia's accession to the European Union.

[RT I 2002, 68, 407 - entry into force 07.08.2002]

(5) [Repealed – RT I 2005, 47, 387 - entry into force 18.09.2005]