

Issuer:	Riigikogu
Type:	act
In force from:	01.01.2021
In force until:	In force
Translation published:	14.12.2020

## Riigikogu Election Act

Passed 12.06.2002  
RT I 2002, 57, 355  
entered into force pursuant to § 86.

Amended by the following acts

Passed	Published	Entry into force
12.02.2003	RT I 2003, 26, 156	21.03.2003
18.12.2003	RT I 2003, 90, 601	01.01.2004
21.01.2004	RT I 2004, 6, 32	14.02.2004
24.03.2004	RT I 2004, 22, 148	08.04.2004
22.09.2004	RT I 2004, 71, 501	29.10.2004
09.06.2005	RT I 2005, 37, 281	10.07.2005
07.06.2006	RT I 2006, 30, 231	14.07.2006
14.06.2007	RT I 2007, 44, 316	14.07.2007
11.12.2008	RT I 2009, 2, 5	16.01.2009
11.12.2008	RT I 2009, 2, 5	01.01.2011
06.05.2009	RT I 2009, 27, 165	01.01.2010
20.05.2009	RT I 2009, 29, 175	01.07.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date 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 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
22.01.2014	RT I, 05.02.2014, 1	01.04.2014, in part as of the beginning of the mandate of the 13th Riigikogu.
19.06.2014	RT I, 11.07.2014, 1	21.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015, in part on the day following its publication in the Riigi Teataja.
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 4 of § 107 <sup>3</sup> of the Government of the Republic Act in the wording in force as of 1 July 2014.
13.04.2016	RT I, 06.05.2016, 1	01.01.2017, in part 16.05.2016
12.10.2016	RT I, 25.10.2016, 1	26.10.2016

14.06.2017	RT I, 04.07.2017, 1	01.01.2018
25.10.2017	RT I, 17.11.2017, 1	01.01.2019
13.06.2018	RT I, 09.07.2018, 1	01.01.2021
11.12.2019	RT I, 03.01.2020, 2	13.01.2020

## Chapter 1 GENERAL PROVISIONS

### § 1. Principles of election system

- (1) The Riigikogu is comprised of 101 members.
- (2) The Riigikogu elections are free, general, uniform and direct. Voting is secret.
- (3) Each voter has one vote.
- (4) Election results are determined based on the principle of proportional representation.

### § 2. Time of regular elections

- (1) Regular elections of the Riigikogu are held on the first Sunday in March of the fourth year following the preceding Riigikogu election year.
- (2) The President of the Republic declares, by a resolution, regular Riigikogu elections on the basis of clause 3 of § 78 of the Constitution of the Republic of Estonia at least three months before the election day.

### § 3. Principles and time of extraordinary elections

- (1) The President of the Republic declares, by a resolution, extraordinary Riigikogu elections on the basis of clause 3 of § 78 of the Constitution of the Republic of Estonia:
  - 1) within three days as of the duty to declare elections arising in the events provided in §§ 89 and 119 of the Constitution of the Republic of Estonia;
  - 2) within three days as of publication of the results of a referendum in the *Riigi Teatajain* the event provided in subsection 4 of § 105 of the Constitution of the Republic of Estonia.
- (2) In the event provided in § 97 of the Constitution of the Republic of Estonia, the President of the Republic may, on the proposal of the Government of the Republic, declare extraordinary Riigikogu elections within three days after the day of an expression of no confidence in the Government of the Republic or the Prime Minister.
- (3) Extraordinary Riigikogu elections are held not earlier than 20 days and not later than 40 days after the elections are declared.
- (4) The day of extraordinary Riigikogu elections is determined by the President of the Republic. Extraordinary elections are held on a Sunday.

### § 4. Right to vote and stand as candidate

- (1) Estonian citizens who have attained 18 years of age by the election day have the right to vote.
- (2) A person who has been divested of active legal capacity with regard to the right to vote does not have the right to vote.
- (3) A person who has been convicted of a criminal offence by a court and is serving a prison sentence may not participate in voting.
- (4) Estonian citizens who have attained 21 years of age by the last day for registration of candidates have the right to stand as candidates.
- (5) A person who has been divested of active legal capacity with regard to the right to vote does not have the right to stand as a candidate.
- (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 may not stand as a candidate for elections to the Riigikogu.  
[RT I, 10.07.2012, 3 – entry into force 01.04.2013]

## Chapter 2

# CAMPAIGNING

## § 5. Restriction on campaigning

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

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

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

## § 5<sup>1</sup>. Prohibition of political outdoor advertising

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

## Chapter 3 ELECTORAL DISTRICTS

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

## § 6. Electoral districts

The Riigikogu elections are held in twelve multi-mandate electoral districts:  
Electoral district No 1: Tallinn city districts of Haabersti, Põhja-Tallinn and Kristiine;  
Electoral district No 2: Tallinn city districts of Kesklinn, Lasnamäe and Pirita;  
Electoral district No 3: Tallinn city districts of Mustamäe and Nõmme;  
Electoral district No 4: Harju County (except Tallinn) and Rapla County;  
Electoral district No 5: Hiiu County, Lääne County and Saare County;  
Electoral district No 6: Lääne-Viru County;  
Electoral district No 7: Ida-Viru County;  
Electoral district No 8: Järva County and Viljandi County;  
Electoral district No 9: Jõgeva County and Tartu County (except the city of Tartu);  
Electoral district No 10: the city of Tartu;  
Electoral district No 11: Võru County, Valga County and Põlva County;  
Electoral district No 12: Pärnu County.

## § 7. Distribution of mandates among electoral districts

(1) The National Electoral Committee distributes, by a resolution, the mandates among the electoral districts as follows:

- 1) the total number of voters is divided by the number 101;
- 2) the number of voters in an electoral district is divided by the number obtained as a result of the calculation specified in clause 1 of this subsection;
- 3) each electoral district is awarded a particular number of mandates in correspondence with the integer of the number obtained as a result of the calculation made pursuant to clause 2 of this subsection;
- 4) mandates which are not distributed pursuant to clause 3 of this subsection are 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) The number of voters is obtained on the basis of the data of the Estonian population register (hereinafter *population register*) as at the first date of the month when the elections are declared.

(3) The minister in charge of the policy sector submits the number of voters by county, and by city district in Tallinn, to the National Electoral Committee within three working days after the elections are declared.

(4) The National Electoral Committee immediately discloses the resolution specified in subsection 1 of this section.

[RT I 2004, 22, 148 – entry into force 08.04.2004]

## § 8. Formation of voting districts

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

## Chapter 4

# ELECTORAL MANAGEMENT

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

## Subchapter 1 National Electoral Committee

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

### § 9. Competence of National Electoral Committee

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

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

- 1) to issue a precept to the elections manager for the protection of the principles provided in § 1 of this Act or for ensuring the subjective rights of a person;
- 2) to annul the votes cast in the advance voting in part or in full due to material violation of law and call on the voters to vote again during advance voting or on the election day;
- 3) to declare the voting results in a voting district, rural municipality, city, electoral district or the state invalid or to declare the electronic voting results invalid in full or in part and to hold a repeat vote where the violation significantly affected or could have significantly affected the voting results;

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

4) not to start electronic voting or to suspend or terminate electronic voting where the security or reliability of the electronic voting system cannot be ensured in such way that electronic voting could be conducted pursuant to the requirements of this Act.

(3) To resolve an issue within the competence of the National Electoral Committee, the National Electoral Committee adopts a resolution which is signed by the chair of the Committee. A resolution enters into force upon signature.

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

### § 10. Formation of National Electoral Committee

(1) The term of authority of the National Electoral Committee is four years.

(2) The National Electoral Committee comprises the following members:

- 1) a judge of a court of first instance appointed by the Chief Justice of the Supreme Court;
- 2) a judge of a court of second instance appointed by the Chief Justice of the Supreme Court;
- 3) an adviser to the Chancellor of Justice appointed by the Chancellor of Justice;
- 4) an official of the State Audit Office appointed by the Auditor General;
- 5) a public prosecutor appointed by the Chief Public Prosecutor;
- 6) an official of the Government Office appointed by the State Secretary.
- 7) an information systems auditor appointed by the management board of the Estonian Auditors' Association.

(3) The members of the National Electoral Committee are appointed not later than on the 10<sup>th</sup> day before the term of authority of the National Electoral Committee expires.

(4) The chair and deputy chair of the National Electoral Committee are elected by the National Electoral Committee from among its members at the first meeting of the National Electoral Committee. The first meeting of the National Electoral Committee is convened by the chair or deputy chair of the previous National Electoral Committee not later than on the seventh day after the beginning of the term of authority of the National Electoral Committee.

(5) The person who appoints a member of the National Electoral Committee to office, appoints also an alternate member for the member.

(6) The Chief Justice of the Supreme Court may appoint a judge as a member of the National Electoral Committee only with the consent of the judge and after hearing the opinion of the chief judge of the court.

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

### § 11. Member of National Electoral Committee

(1) A member of the National Electoral Committee must have the right to vote pursuant to subsections 1–3 of § 4 of this Act.

(2) The term of authority of a member of the National Electoral Committee terminates prematurely:

- 1) due to their resignation;

- 2) due to their death;
- 3) if they become an authorised representative of a political party, election coalition or an independent candidate;
- 4) if they are presented for registration as a candidate for the Riigikogu, European Parliament or municipal council elections;
- 5) if they become the elections manager.

(3) A member of the National Electoral Committee may be prematurely released from their duties as a member of the National Electoral Committee by a reasoned resolution of the official who or of the body which appointed them either on the initiative of the official or body or on the proposal of the National Electoral Committee.

(4) A member of the National Electoral Committee must be impartial and independent in the performance of their duties.

(5) A member of the National Electoral Committee may not campaign for or against political parties or candidates.

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

## **§ 12. Working procedures of National Electoral Committee**

(1) The work format of the National Electoral Committee is a meeting convened by the chair of the Electoral Committee or, in their absence, by the deputy chair, and in the absence of both the chair and the deputy chair, by the youngest member of the Electoral Committee.

(2) The National Electoral Committee has a quorum if at least one half of the members of the Committee are present. A meeting of the Electoral Committee is chaired by the chair of the Committee or, in their absence, by the Deputy chair. In the absence of both the chair and the deputy chair, the meeting of the Committee is chaired by the youngest member of the Committee until a new deputy chair is elected.

(3) The meetings of the National Electoral Committee are public and are recorded in minutes.

(4) The resolutions and minutes of the meetings of the National Electoral Committee are published.

(5) The National Electoral Committee decides on issues within its competence by the majority of votes in favour. Any dissenting opinion of a member of the Committee is recorded in the minutes.

(6) The National Electoral Committee establishes its working procedure by a resolution.

(7) Where a member of the National Electoral Committee cannot participate in a meeting of the Committee, they are substituted by an alternate member who has all the rights and obligations of a member of the Committee, except the rights and obligations of the chair or deputy chair.

(8) A member of the National Electoral Committee receives remuneration from the budget of the preparation and holding of the elections for the participation in a meeting of the Committee and for the performance of other functions of the Committee. The hourly fee rate of a member of the National Electoral Committee is 10 times the minimum hourly wage established by the Government of the Republic. The procedure for payment of the remuneration is provided in the working procedure of the National Electoral Committee.

(9) Clerical support to the National Electoral Committee is organised by the Chancellery of the Riigikogu.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **Subchapter 2 Elections Managers**

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

### **§ 13. Elections managers**

- (1) Riigikogu elections are managed by:
- 1) the State Electoral Office;
  - 2) rural municipality and city secretaries;
  - 3) voting district committees;
  - 4) vote counting committees.

(2) The procedure for appointment to office and substitution of rural municipality and city secretaries is provided in the Local Government Organisation Act.

(3) The functions of a rural municipality or city vote counting committee during the Riigikogu elections are performed by a rural municipality or city electoral committee formed pursuant to the procedure provided in the Municipal Council Election Act.

(4) A person managing elections and a person who provides assistance to them may not simultaneously be an authorised representative of a political party or independent candidate, or a candidate.

(5) A person managing elections must have the right to vote pursuant to subsections 1–3 of § 4 of this Act and be proficient in Estonian.

(6) A person managing elections and a person who provides assistance to them must be independent in the performance of their duties and may not campaign for or against political parties or candidates.

(7) A person managing elections, a rural municipality or city government official or employee, or another person is entitled to receive remuneration for the performance of duties related to the organisation of elections. [RT I, 04.07.2017, 1 – entry into force 01.01.2018]

#### **§ 14. State Electoral Office**

(1) The State Electoral Office is a structural unit of the Chancellery of the Riigikogu, which is independent in the performance of the functions arising from this Act, the European Parliament Election Act, the Municipal Council Election Act and the Referendum Act.

(2) The State Electoral Office is headed by the Head of the State Electoral Office. The Head and the Deputy Head of the State Electoral Office are appointed to office by the Secretary General of the Riigikogu upon approval of the National Electoral Committee.

(3) The officials of the State Electoral Office are appointed to office and the employment contract with the employees are entered into by the Secretary General of the Riigikogu on the proposal of the Head of the State Electoral Office.

(4) The budget for the preparation and holding of the elections means a separate part of the budget of the Chancellery of the Riigikogu and includes the investments and operating expenses necessary for the performance of the functions of the State Electoral Office arising from this Act, the European Parliament Election Act, the Municipal Council Election Act and the Referendum Act. The Head of the State Electoral Office is liable for the purposeful use of the funds prescribed for the preparation and holding of the elections and the implementation of the budget. The State Electoral Office submits to the National Electoral Committee a report on the implementation of the budget for the previous calendar year during the first quarter of the following year.

(5) The National Electoral Committee exercises supervision over the performance of the functions provided in subsection 1 of this section. [RT I, 06.05.2016, 1 – entry into force 01.01.2017]

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

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

1) to ensure the holding of the elections in compliance with law, organise electronic voting and ascertain the results of electronic voting;

1<sup>1</sup>) to ensure electronic use of the list of voters while holding voting; [RT I, 09.07.2018, 1 – entry into force 01.01.2021]

2) to exercise supervision over the activities of the elections managers;

3) to organise the development and management of the technical solutions necessary for performance of the duties arising from electoral Acts;

4) to perform other duties arising from this Act.

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

1) gives written instructions to the elections managers for ensuring the uniformity of elections;

2) issues oral and written mandatory orders to the elections managers;

3) draws up a draft budget for the preparation and holding of elections;

4) distributes among municipalities, upon approval of the National Electoral Committee, the funds allocated for holding of elections, and establishes the procedure for using the funds allocated to the rural municipality and city secretaries and voting district committees;

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

5) ensures the availability of the inventory and services necessary for holding of elections and manages the election information system and the information system of the electronic list of voters;

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

5<sup>1</sup>) establishes the procedure for forwarding of the election equipment and envelopes with the ballot papers of voters who vote outside the electoral district of their residence to the voting district committees, and the distribution areas thereof;

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

5<sup>2</sup>) establishes the procedure for the use and preservation of the election equipment;  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

6) instructs and trains the elections managers;

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

8) where necessary, makes a proposal to the National Electoral Committee for adopting the resolutions provided in clauses 2–4 of subsection 2 of § 9 of this Act.

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

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

#### **§ 16. County head of elections**

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

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

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

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

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

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

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

1) issues mandatory instructions to the voting district committees;

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

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

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

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

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

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

#### **§ 18. Assistance to elections managers**

(1) State and local government bodies, administrative agencies and other authorities are, within their competence, required to assist the elections managers in the organisation of elections.

(2) The elections manager has the right to address state or local government bodies, administrative agencies or other authorities in writing regarding issues concerning the organisation of elections. A response to an enquiry from the elections manager is to be provided within three working days after the receipt of the enquiry.

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

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

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

(2) The rural municipality or city government determines the following by a regulation not later than on the 50<sup>th</sup> day before the election day:

1) the number and numeration of the voting districts and the types of voting managed by each district;

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

3) one voting district where voters can vote from the sixth until the third day before the election day. More than one voting district may be determined with the permission of the State Electoral Office.

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

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

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

### **§ 19<sup>1</sup>. Formation of voting district committee**

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

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

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

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

(4) A political party participating in the elections may present one member candidate for a voting district committee to the rural municipality or city secretary not later than on the 40<sup>th</sup> day before election day.

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

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

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

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

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

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

### **§ 19<sup>2</sup>. Competence of voting district committee**

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

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

### **§ 19<sup>3</sup>. Working procedures of voting district committee**

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

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

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

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

### **§ 19<sup>4</sup>. Observation of elections**

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

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

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

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



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

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

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

## **Chapter 5**

# **REGISTRATION OF VOTERS**

### **§ 20. Registration of voters**

(1) Voters are registered in the population register.

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

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

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

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

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

- 6) residential address;
- 7) address of the place of stay.

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

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

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

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

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

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

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

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

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

- 1) information concerning the conditions of the right to vote;
- 2) information concerning the voting possibilities in the rural municipality or city;
- 3) other information concerning the voting.

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

### **§ 22. List of voters**

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

(2) The list of voters is maintained on the basis the data prescribed in subsection 3 of § 20 of this Act, as at the 30<sup>th</sup> day before the election day. Upon maintenance of the list of voters, any changes made to the data specified in clauses 1–5 of subsection 3 of § 20 of this Act after the 30<sup>th</sup> day before the election day are also taken into account. Any changes made to the residential address and address of the place of stay after the 30<sup>th</sup> day before the election day are not taken into account.

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

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

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

- 1) given name and surname;
  - 2) personal identification code;
  - 3) residential address or address of the place of stay;
  - 4) number of electoral district on the basis of the address details specified in subsection 4 of this section on the 30<sup>th</sup> day before the election day;
  - 5) a notation regarding the issue of a ballot paper to the voter and information on the time and place of voting.
- [RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

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

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

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

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

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

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

(1) Amendments are made to a list of voters only where:

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

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

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

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

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

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

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

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

(6) The administrative court has to review the complaint and make a judgment within three working days after the date of receipt of the complaint.

(7) The administrative court makes one of the following judgments:  
1) to refuse to grant the complaint;  
2) to grant the complaint and issue a precept to the rural municipality or city secretary to arrange that the person be entered in the population register or to amend the register data which are the basis for the registration of voters.

(8) Where the administrative court grants the complaint, the person is promptly entered in the population register or the data pertaining to the person are amended.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **Chapter 6**

# **NOMINATION AND REGISTRATION OF CANDIDATES**

### **§ 26. Political party**

(1) Political parties which are entered in the non-profit associations and foundations register not later than 90 days before the election day may participate in the Riigikogu elections.  
[RT I, 10.12.2010, 1 – entry into force 01.04.2011]

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

(3) Political parties participate in the Riigikogu elections under their own name.

(4) A political party submits, upon nomination of candidates, a written notice to the State Electoral Office which sets out the names, personal identification codes, addresses and telecommunications numbers of the authorised representatives of the political party. The notice is signed by a person entitled to represent the political party pursuant to the Non-profit Associations Act or the articles of association of the political party.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(5) A political party may authorise up to two persons to represent the party.

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

### **§ 27. Independent candidate**

(1) Any person who has the right to stand as a candidate (subsections 4–6 of § 4) may nominate themselves as an independent candidate and perform the acts necessary for registration. A person who has the right to vote pursuant to subsections 1–3 of § 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 power of attorney.

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

### **§ 27<sup>1</sup>. Documents for standing as candidate**

The State Electoral Office prepares and publishes the sample documents for standing as a candidate and provides 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]

### **§ 28. 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:

- 1) expresses their desire to stand as a candidate in the list of a political party or stand as an independent candidate;
- 2) confirms that they comply with the requirements of this Act for candidates standing in Riigikogu elections;
- 3) submits the data provided in subsection 2 of this section.

(2) A candidate submits the following data in an application to stand as a candidate:

- 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) The State Electoral Office publishes the data provided in clauses 1, 3, 6, 7 and 8 of subsection 2 of this section.

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

(4) A candidate uses only their given name and surname as their name when standing as a candidate.

(5) A candidate signs an application to stand as a candidate.

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

### **§ 29. List of candidates**

(1) A political party prepares:

- 1) the lists of candidates in electoral districts;
- 2) the national list of candidates.

(2) Nominated candidates must be included in both lists specified in subsection 1 of this section.

(3) The number of candidates in an electoral district may exceed the number of mandates in the electoral district by up to two candidates.

(4) A person may stand as a candidate in only one electoral district. Standing as a candidate is not related to the electoral district of the residence of the person.

(5) A person may stand as a candidate in the list of candidates of one political party only. A person who is nominated as an independent candidate or who is a member of another political party may not stand in a list of candidates.

(6) A political party may submit only one list of candidates for registration in an electoral district.

(7) The order of candidates in the list is determined by the political party.

(8) All the authorised representatives of a political party sign the lists of candidates in electoral districts and the national list of candidates.

### **§ 30. Nomination of candidates**

(1) The nomination of candidates begins on the working day following the distribution of mandates. A political party may present its candidates after the submission of the notice specified in subsection 4 of § 26 of this Act.

(2) The nomination of candidates ends at 18:00 on the 45<sup>th</sup> day before the election day.

(3) In order to register candidates, a political party submits the following to the State Electoral Office:

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

- 1) an application for the registration of candidates;
- 2) the lists of candidates in electoral districts;
- 3) the national list of candidates;
- 4) a copy of the payment order certifying the payment of the deposit;
- 5) 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 submits the following to the State Electoral Office:

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

- 1) an application for the registration of the candidate;
- 2) a copy of the payment order certifying the payment of the deposit;
- 3) an application to stand as a candidate.

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

(5) Before nominating candidates, a political party or an independent candidate deposits an amount equal to the minimum monthly wage as established by the Government of the Republic in the year when the elections are declared, for each person nominated, in the current account of the Ministry of Finance as a deposit.

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

### **§ 31. Acceptance and return of documents**

(1) The State Electoral Office maintains records concerning the nomination of candidates.

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

(2) The registration documents of candidates are delivered by an authorised representative of the political party. The registration documents of an independent candidate are delivered by the independent candidate or their authorised representative.

(3) Where all the required documents have not been submitted to the State Electoral Office, or the submitted documents contain errors or omissions, the person who accepts the documents proposes to the person submitting the documents to submit the required documents or data or to correct the errors. All the submitted documents are returned.

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

(4) Where a political party or an independent candidate wishes to make amendments to the registration documents of candidates, the State Electoral Office returns all the documents submitted and, upon resubmission thereof, the documents are deemed to have been submitted for the first time.

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

(5) Where a candidate is deleted from the list of nominated candidates on the basis of a personal application, the State Electoral Office returns the application to stand as a candidate to the candidate and informs an authorised representative of the political party or independent candidate thereof. The political party is not required to resubmit the registration documents of candidates.

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

(6) Where a political party or an independent candidate submits documents before 18:00 on the 45<sup>th</sup> day before the 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 are accepted. The person who accepts the documents proposes to the person submitting the documents to submit the missing documents or data or to correct the errors. In such case, the political party or independent candidate is to perform the required acts not later than before 18:00 on the 43<sup>rd</sup> day before the election day.

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

### **§ 32. Registration of candidates**

(1) The National Electoral Committee registers, after expiry of the term for the nomination of candidates but not later than on the 40<sup>th</sup> day before the election day, all persons nominated in accordance with the requirements of this Act in the order of their nomination.

(2) Each candidate is assigned a registration number. Registration numbers begin at 101 and are assigned to the candidates in accordance with the lists of political parties in an electoral district. Independent candidates are assigned registration numbers after the candidates of political parties have been assigned numbers. The sequence of assigning numbers to political parties and independent candidates is determined by drawing lots.

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

(3) Where within the term specified in subsection 6 of § 31 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, the National Electoral Committee does not register:

- 1) any of the candidates nominated by a political party where a document specified in clauses 1, 2, 3 or 4 of subsection 3 of § 30 of this Act is missing or where 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 4–6 of § 4 and subsection 5 of § 29 of this Act.

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

(4) The National Electoral Committee adopts a reasoned resolution not to register a candidate.

(5) The National Electoral Committee revokes a resolution to register a candidate where:

- 1) the candidate declines to stand as a candidate on the basis of a written application which may be submitted by them within three days after registration;
- 2) the candidate dies;
- 3) it is evidenced that the candidate does not comply with the requirements prescribed in subsections 4–6 of § 4 and subsection 5 of § 29 of this Act.

(6) The National Electoral Committee registers a person who was not registered previously after the term specified in subsection 1 of this section where the Committee finds that the person complies with the requirements prescribed in subsections 4–6 of § 4 and subsection 5 of § 29 of this Act or where the resolution of the National Electoral Committee not to register the candidate is revoked by a judgment of the Supreme Court.

(7) A resolution on registration may be revoked and a person who was not registered may be registered not later than on the 13<sup>th</sup> day before the election day.

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

### **§ 33. Consolidated list of candidates in electoral district**

(1) After the registration of candidates, the State Electoral Office prepares a consolidated list of candidates in an electoral district.

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

(2) Candidates are entered in the consolidated list of candidates in an electoral district by the lists of candidates of political parties in the electoral district in the order of their registration numbers. The name of the political party which submitted the list is indicated at the top of the list of candidates in the electoral district. Independent candidates are 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 in the electoral district.

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

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

(4) The State Electoral Office informs the rural municipality and city secretaries, and foreign missions organising voting in foreign states of all corrections and amendments to consolidated lists of candidates in electoral districts, and they make the corresponding corrections or amendments to the consolidated lists of candidates. The consolidated lists of candidates are not amended after the 13<sup>th</sup> day before the election day.

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

## **Chapter 7 VOTING PROCEDURE**

### **§ 34. Polling place**

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

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

(2) A polling place has places for the distribution of ballot papers, voting booths and a ballot box. A polling place where voting outside the electoral districts of the residences of voters is held, has a separate voting booth and ballot box for the voters who vote outside the electoral district of their residence. The consolidated list of candidates in the electoral district of the location and the national lists of candidates are posted at the polling place.

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

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

### **§ 35. Voting booth**

(1) A voting booth must enable secret ballot.

(2) A voting booth has a table and a writing instrument. The consolidated list of candidates in the electoral district of the location is placed on the wall of the voting booth, except in a booth designated for voters voting outside the electoral district of their residence.

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

### **§ 36. Ballot box**

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

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

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

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

### **§ 37. Ballot paper**

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

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

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

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

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

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

### **§ 38. Time of voting**

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

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

(2) Advance voting is held:

1) from the sixth day to the third day before the election day in a voting district designated on the basis of clause 3 of subsection 2 of § 19 of this Act. Voting opens at 12:00 and closes at 20:00;

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

3) from the sixth day to the third day before the election day at the location of a voter, in penal institutions, hospitals and 24-hour social welfare institutions between 9:00 and 20:00;

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

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

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

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

### **§ 39. Voting**

(1) A voter votes in the voting district located in the territory of the electoral district of their residence, except in the cases prescribed in §§ 41–43, 45 and 47 and in Chapters 7<sup>1</sup> and 8 of this Act.

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

(3) A member of the voting district committee checks from the list of voters that the voter has the right to vote and that the residence of the voter is located in this electoral district.

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

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

(6) The voter writes the registration number of the candidate in the electoral district of the voter's residence for whom the voter wishes to vote in the designated space on the ballot paper.

(7) The voter completes the ballot paper on their own. Where they are unable to complete the ballot paper on their own due to a physical disability, another voter, but not a candidate in the electoral district of the voter's residence, may do so at their request and in their presence.

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

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

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

(11) Where the voter returns the ballot paper and abstains from voting, the member of the voting district committee removes the notation concerning the issue of the ballot paper to the voter from the list of voters.

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

### **§ 40. Advance voting**

(1) Advance voting is held pursuant to the procedure prescribed in § 39 of this Act.

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

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

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

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

#### **§ 41. Special rules for advance voting held outside electoral district of residence**

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

At the time specified in clause 1 of subsection 2 of § 38 of this Act, voters may vote outside the electoral district of their residence in a voting district designated by the rural municipality or city government. The rural municipality or city government may designate a voting district committee to organise voting only at the location of a voter (§ 43), in penal institutions, hospitals and 24-hour social welfare institutions (§ 45).

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

#### **§ 42. Advance voting held outside electoral district of residence at polling place**

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

(1) A voter who wishes to vote at a polling place outside the electoral district of their residence presents an identity document to a member of the voting district committee.

(2) A member of the voting district committee checks from the list of voters that the voter has the right to vote and in which electoral district the residence of the voter is.

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

(4) The member of the voting district committee issues to the voter a ballot paper, two envelopes and the consolidated list of candidates in the electoral district of the residence of the voter.

(5) The voter completes the ballot paper pursuant to the provisions of subsections 5 –8 and 11 of § 39 of this Act.

(6) The voter places the ballot paper in one of the envelopes given by the member of the voting district committee. The voter places the envelope in the other envelope given by the member of the voting district committee. The voting district committee writes the data pertaining to the voter on the outer envelope. The voter deposits the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the electoral district of their residence.

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

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

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

(1) Where a voter who wishes to vote outside the electoral district of their residence is unable to vote at a polling place due to their state of health or for another good reason, they may, until 14:00 on the third day before the election day, submit a written application for voting at their location to the rural municipality or city government of their location or to a voting district committee prescribed in § 41 of this Act. The voting district committee registers the application. The rural municipality or city government registers the application and forwards the application to the appropriate voting district committee.

(2) Voting is organised by at least two members of the voting district committee pursuant to the provisions of subsections 6–8 and 11 of § 39 and subsections 1–4 and 6 of § 42 of this Act.

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

#### **§ 44. Electronic voting**

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

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

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

(1) Voting in penal institutions, hospitals and 24-hour social welfare institutions is organised on the days prescribed in clause 3 of subsection 2 of § 38 of this Act.

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



(2) The administration of a penal institution, hospital and 24-hour social welfare institution submits an application for organising the voting to the voting district committee prescribed in § 41 of this Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Voting is organised by at least two members of the voting district committee pursuant to the provisions of subsections 6–8 and 11 of § 39 and subsections 1–4 and 6 of § 42 of this Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) Upon ascertaining of the voting results, the votes of voters who voted in advance voting in a penal institution, hospital and 24-hour social welfare institution are taken into account pursuant to the provisions of § 48 of this Act.  
[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

#### **§ 46. Home voting**

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

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

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

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

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

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

(6) Home voting is organised by at least two members of the voting district committee. Such members are appointed based on the principle that they may not be members of the same political party and they may not have presented to be members of a voting district committee on the proposal of the same political party. Home voting is organised pursuant to the provisions of subsections 1–4, 6–8 and 11 of § 39 of this Act.

(7) After completing the ballot paper, the voter folds the ballot paper and deposits the ballot paper in the ballot box pursuant to the procedure specified in subsection 10 of § 39 of this Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

(1) A voter permanently residing in a foreign state who has not voted pursuant to the procedure provided in Chapter 8 of this Act may vote during advance voting in any voting district designated pursuant to the rules provided in § 41 of this Act.

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

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

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

(5) The member of the voting district committee issues to the voter a ballot paper, two envelopes and the consolidated list of candidates in the electoral district of the voter.

(6) The voter completes the ballot paper pursuant to the provisions of subsections 5–8 and 11 of § 39 of this Act.

(7) The voter places the ballot paper in one of the envelopes given by the member of the voting district committee. The voter places the envelope in the other envelope given by the member of the voting district committee. The voting district committee writes the data pertaining to the voter on the outer envelope. The voter

deposits the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the electoral district of their residence.

(8) Upon the ascertaining of the voting results, votes cast pursuant to the procedure prescribed in subsection 1 of this section are taken into account pursuant to the provisions of subsection 1 of § 48 and subsections 3–5 of § 55 of this Act.

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

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

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

(2) The voter gives the envelope with the ballot paper to a member of the voting district committee. The members of the voting district committee store the envelope with the ballot paper in accordance with the procedure provided in subsection 5 of § 40 of this Act until they can check the voter's right to vote from the list of voters.

(3) Where it turns out as a result of checking that the voter has the right to vote:

1) the outer envelope with the ballot paper of the voter who voted in the electoral district of their residence is opened and the inner envelope is deposited in the ballot box of the voters who voted in accordance with their residence;

2) the envelope with the ballot paper of the voter who voted outside the electoral district of their residence is deposited in the ballot box of the voters who voted outside the electoral district of their residence.

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

(5) Where the voter is not in the list of voters, has already voted according to the list of voters or has voted outside the electoral district of their residence after the time limits specified in clause 1 or 3 of subsection 2 of § 38 of this Act, the envelope containing the ballot paper of the voter is not taken into account.

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

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

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

(1) Immediately after the close of voting outside the electoral district of residence, the voting district committee packs the envelopes with the ballot papers of voters separately by separate electoral districts and by voters permanently residing in a foreign state, and forwards these to a rural municipality or city secretary who forwards these to the State Electoral Office pursuant to the procedure established on the basis of clause 5<sup>1</sup> of subsection 2 of § 15 of this Act.

(2) For every electoral district, the State Electoral Office appoints a vote counting committee which ascertains the voting results of the voters who voted outside the electoral district of their residence.

(3) The envelopes with the ballot papers of the voters who voted outside the electoral district of their residence are forwarded to the vote counting committee provided in subsection 2 of this section not later than at 12:00 on the election day.

(4) After receipt of the envelopes with ballot papers, the vote counting committee checks on the basis of the list of voters that the residence of the voters is in this electoral district.

(5) Where a voter is not entered in the list of voters of the electoral district, the vote counting committee does not take into account the envelope containing the ballot paper of the voter.

(6) After performing the acts prescribed in subsections 4 and 5 of this section, the vote counting committee opens the outer envelopes and deposits the inner envelopes with ballot papers until the start of ascertaining of the voting results.

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

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

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

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

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

## **§ 48<sup>2</sup>. General principles of electronic voting**

(1) An up-to-date electronic voting system administered by the State Electoral Office is used in electronic voting.

(2) A voter votes on their own. On the conditions prescribed in this Act, a voter may change their vote cast by electronic means.

(3) The National Electoral Committee establishes by a resolution:

- 1) the technical requirements for ensuring the general principles for holding electronic voting;
- 2) the description of the organisation of electronic voting.

(4) The State Electoral Office:

- 1) approves the information security policy of the electronic voting system, the electronic voting protocol suite and the technical guidelines for the electronic voting system;
- 2) organises the resolution of incidents hindering electronic voting pursuant to law;
- 3) approves the schedule and scope of testing the electronic voting system and the results of the testing and publishes a report on the results;
- 4) organises the auditing of the electronic voting system in the course of which an information systems auditor audits the testing of the electronic voting system, the integrity of the system and the compliance of the acts of the State Electoral Office with law, with the resolutions of the National Electoral Committee adopted on the basis of subsection 3 of this section and with the electronic voting documentation.

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

## **§ 48<sup>3</sup>. Preparation of electronic voting**

(1) The State Electoral Office makes the electronic voting system usable not later than by the 10<sup>th</sup> day before the election day.

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

(2) The State Electoral Office organises the entry of the amendments to the list of voters in the electronic voting system at least once a day.

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

(3) Prior to the start of electronic voting, the State Electoral Office creates the encryption key for electronic votes and the vote-opening key. The means of access to the vote-opening key are distributed among the members of the National Electoral Committee and the State Electoral Office.

(4) The voter application is created for the most widespread operating systems and the votes verification application for the most widespread mobile operating systems. Prior to each election, the State Electoral Office determines the operating systems for which the applications are created.

(5) The voter application has support for the visually impaired.

(6) Prior to the start of electronic voting, the State Electoral Office discloses the voter application, the votes verification application and the data necessary for ensuring the authenticity and integrity of the website.

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

## **§ 48<sup>4</sup>. Electronic voting procedure**

(1) A voter may vote using electronic means on the days prescribed in clause 4 of subsection 2 of § 38 of this Act using the system provided in subsection 1 of § 48<sup>2</sup> of this Act.

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

(2) A voter is identified in the electronic voting system using electronic means pursuant to the procedure described in the resolution provided in clause 1 of subsection 3 of § 48<sup>2</sup> of this Act.

(3) After the identification of the voter, the consolidated list of candidates in the electoral district of the residence of the voter is displayed to the voter.

(4) The voter indicates the candidate in the electoral district of their residence for whom they wish to vote. The application used for electronic voting encrypts the voter's vote using the vote-encryption key. The voter

confirms the vote by a digital signature in compliance with the requirements of the Electronic Identification and Trust Services for Electronic Transactions Act.

[RT I, 25.10.2016, 1 – entry into force 01.01.2017]

(5) A notice that the vote has been taken into account is displayed to the voter after the voting is confirmed.

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

#### **§ 48<sup>5</sup>. Change of electronic votes**

A voter has the right to change their vote cast by electronic means:

1) by voting again using electronic means at the time prescribed in clause 4 of subsection 2 of § 38 of this Act;

2) by voting with a ballot paper until 20:00 on the election day.

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

#### **§ 48<sup>6</sup>. Verification of electronic votes**

(1) A voter has an opportunity to verify whether the application used for electronic voting has transferred the vote cast by the voter to the electronic voting system according to the voter's wish.

[RT I, 01.11.2012, 1 – entry into force 11.11.2012, not implemented before 2015]

(2) The State Electoral Office develops the vote verification application pursuant to the requirements of the National Electoral Committee established on the basis of clause 1 of subsection 3 of § 48<sup>2</sup> of this Act. The voter may verify the vote a limited number of times during a limited time period pursuant to the requirements provided on the basis of clause 1 of subsection 3 of § 48<sup>2</sup> of this Act.

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

#### **§ 48<sup>7</sup>. Taking into account of electronic votes**

(1) In case of several votes cast using electronic means (clause 1 of § 48<sup>5</sup>), the last vote cast by the voter is taken into account.

(2) Where a voter has voted using electronic means as well as with a ballot paper, the ballot paper of the voter is taken into account.

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

#### **§ 48<sup>8</sup>. Suspension, termination and not starting electronic voting**

(1) In case of suspension of electronic voting, the National Electoral Committee promptly notifies the voters of the suspension and resumption of electronic voting.

(2) In case of not starting or termination of electronic voting, the National Electoral Committee promptly notifies the voters thereof and provides the information on the types of voting that can be used instead of electronic voting.

(3) Where the suspension or termination of electronic voting is accompanied by the annulment of the votes cast using electronic means, the National Electoral Committee promptly notifies the voters of the necessity to vote again and the types of voting that can be used for this purpose.

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

## **Chapter 8 VOTING IN FOREIGN STATE**

#### **§ 49. Preparation for voting**

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

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

(3) Voting is organised by the head of a foreign mission or an official designated by them. In the event prescribed in subsection 2 of this section, voting is organised by the honorary consul or a person designated by them. The person organising the voting must be a person who has the right to vote pursuant to subsections 1 and 2 of § 4 of this Act.

(4) An election information sheet is sent electronically to voters permanently residing in the foreign state and voters temporarily staying there pursuant to the data of the population register, to their email address registered

in the data portal of Estonia or entered in the population register, not later than on the 60<sup>th</sup> day before the election day.

- (5) The following is entered in the election information sheet:
- 1) information concerning the conditions of the right to vote;
  - 2) number and description of the electoral district pursuant to § 6 of this Act;
  - 3) address of the foreign mission;
  - 4) procedure for submitting an application to vote by post, voting by post and voting at the foreign mission;
  - 5) due date for receipt by the foreign mission of applications to vote by post;
  - 6) due date for receipt by the foreign mission of ballot papers sent by post;
  - 7) time of voting at the foreign mission;
  - 8) time of electronic voting;
  - 9) other information concerning voting.

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

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

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

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

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

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

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

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

- 1) appends copies of documents which certify their identity and that they have the right to vote pursuant to subsections 1 and 2 of § 4 of this Act to the application;
- 2) indicates their residential address in the foreign state;
- 3) indicates their last residence in Estonia (the county, the city district in Tallinn, or the city of Tartu). Where a voter permanently residing in a foreign state has not had a residence in Estonia, they indicate the last residence of their parents or grandparents in Estonia.

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

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

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

#### **§ 51. Sending of election documents to voter**

(1) At the earliest possible opportunity, a foreign mission sends the following to voters who sent their applications in due time and who comply with the requirements of this Act:

- 1) a ballot paper;
- 2) the consolidated list of candidates in the electoral district pursuant to the information in the list of voters or in accordance with clause 3 of subsection 3 of § 50 of this Act;
- 3) two envelopes.

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

(2) Where a voter permanently residing in a foreign state has indicated Tallinn as their last residence or the last residence of their parents or grandparents but has not specified the city district, the consolidated list of candidates in electoral district No 1 is sent to the voter.

(3) Where a voter permanently residing in a foreign state has indicated Põlva County as their last residence or the last residence of their parents or grandparents, the consolidated list of candidates in electoral district No 11 is sent to the voter.

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

#### **§ 52. Voting by post**

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

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

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

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

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

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

(4) In the event of voting by post, the expenses relating to the acts specified in subsection 1 of § 50 of this Act and subsection 1 of this section are covered by the voter.

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

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

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

(1) Where a voter does not submit an application to vote by post within the term prescribed in subsection 5 of § 50 of this Act or does not send a ballot paper to the foreign mission by the due date prescribed in subsection 2 of § 52, the voter may vote at the foreign mission at the time determined by the foreign mission.

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

(3) The person managing the voting checks from the list of voters that the voter has the right to vote and in which electoral district the residence of the voter is.

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

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

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

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

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

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

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

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

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

(6) Not later than on the day before the election day, the State Electoral Office forwards the envelopes with the ballot papers of voters temporarily staying in a foreign state to the vote counting committee specified in subsection 2 of § 48 of this Act, where the ballot papers are to be taken into account upon ascertaining the voting results pursuant to the provisions of subsections 4–6 of § 48 of this Act.

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

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

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

## **Chapter 9**

# ASCERTAINING OF VOTING RESULTS AND ELECTION RESULTS

## § 57. Ascertaining of voting results in voting district committee

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

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

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

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

(5) An impression of the seal of the voting district committee is put on the outside of ballot papers of home voters and ballot papers deposited in the ballot box pursuant to clause 1 of subsection 3 of § 47<sup>1</sup> of this Act, and the ballot papers are placed among the ballot papers of voters who voted at a polling place.

(6) The voting district committee ascertains the number of invalid ballot papers and the number of votes cast for candidates and political parties based on the ballot papers extracted from the ballot boxes, and enters these numbers in a record.

(7) A ballot paper is declared invalid where:

- 1) it does not bear two impressions of the seal of the voting district committee,
- 2) 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 given 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.

(8) Where 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.

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

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

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

(12) Voting results are ascertained publicly in a voting district committee.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## § 57<sup>1</sup>. Ascertaining of voting results of voters who voted outside electoral district of their residence

(1) The vote counting committee specified in subsection 2 of § 48 of this Act organises the counting of votes and decides on the validity of ballot papers.

(2) The vote counting committee starts counting the votes cast by voters who voted outside the electoral district of their residence at 20:00 on the election day. At least three members of the vote counting committee must be present at the opening of the envelopes.

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

(4) On the basis of the ballot papers, the vote counting committee verifies for each electoral district the number of invalid ballot papers and the number of votes cast for candidates and political parties. Ballot papers are declared invalid in accordance with the provisions of subsections 7 and 8 of § 57 of this Act.

(5) A record signed by the chair of the vote counting committee is prepared for each electoral district with regard to ascertaining the voting results of voters who voted outside the electoral district of their residence. The date and time of preparation of the record are indicated therein.

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

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

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

#### **§ 59. Ascertaining of voting results of voters permanently residing in foreign state**

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

(2) The vote counting committee begins counting the votes cast by voters permanently residing in a foreign state at 20:00 on the election day. At least three members of the vote counting committee must be present at the opening of the envelopes.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

(4) On the basis of the ballot papers, the vote counting committee verifies for each electoral district the number of voters permanently residing in a foreign state who participated in the voting, the number of invalid ballot papers and the number of votes cast for candidates and political parties. Ballot papers are declared invalid in accordance with the provisions of subsections 7 and 8 of § 57 of this Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

(6) A record signed by the chair of Tallinn City Vote Counting Committee is prepared for each electoral district with regard to ascertaining the voting results of voters permanently residing in a foreign state. The date and time of preparation of the record are indicated therein.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

(1) The vote counting committee provided in subsection 3 of § 13 of this Act organises the counting of the votes and decides on the validity of ballot papers.

(2) On the basis of the records, list of voters and record sheets concerning the ballot papers received from the voting district committees, the vote counting committee verifies the number of voters entered in the lists, the number of voters who were given a ballot paper, the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers, and the number of votes cast for candidates and political parties, and enters these numbers in a record. The result obtained is checked by recounting the ballot papers.

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

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

(5) Voting results are ascertained publicly.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

(1) The State Electoral Office ascertains the results of electronic voting after 20:00 on the election day.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]



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

(3) Prior to the counting of electronic votes, the State Electoral Office:  
1) annuls the electronic votes which have been changed by the ballot papers when voting;  
2) separates 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 use the means of access provided in subsection 3 of § 48<sup>3</sup> of this Act, which ensure access to the vote-opening key.

(5) The State Electoral Office verifies the following with regard to the voters of each rural municipality and city and voters permanently residing in a foreign state:  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

- 1) the number of voters who participated in electronic voting;
- 2) the number of invalid electronic votes;
- 3) the number of electronic votes annulled on the basis of clause 1 of subsection 3 of this section;
- 4) the number of electronic votes cast for candidates and political parties.

(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 does not comply with the standard form established by the National Electoral Committee is null and void.

(7) Counting of votes cast by electronic means is public. Persons who are present at the counting of votes must follow the oral orders of the persons designated by the Head of the State Electoral Office.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

(10) The Head of the State Electoral Office signs the results of electronic voting after verification of the integrity of the data of the electronic voting system.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

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

(1) On the basis of the records concerning the voting results of voters in rural municipalities and cities which are received from all the rural municipality or city secretaries and on the basis of the records concerning the voting results of voters who voted outside the electoral district of their residence, records concerning the voting results of voters permanently residing in a foreign state, voting results of the voters who voted using electronic means, and list of voters, the National Electoral Committee verifies, for each electoral district, 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 and political parties.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The National Electoral Committee prepares a record concerning the voting results which is signed by the chair of the Committee. The date and time of preparation of the record are indicated therein.

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

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

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

(1) A simple quota is calculated for each electoral district, which is 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 whose favour the number of votes cast exceeds or equals the simple quota is elected.

(3) In the lists of candidates of those political parties in an electoral district whose candidates receive at least 5 per cent of the votes nationally, the candidates are 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 in an electoral district are totalled. A political party is 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. The number of mandates of a political party is increased by one where the remaining votes constitute at least 75 per cent of the simple

quota. A political party is also given a mandate if the number of votes constitutes at least 75 per cent of the simple quota. The candidates positioned further towards the top of the list for whom the number of votes cast constitutes at least 10 per cent of the simple quota are elected. Where at least two candidates receive an equal number of votes, the candidate who is positioned further towards the top of the national list of candidates is elected.

(4) Mandates which are not distributed in electoral districts on the basis of a simple quota are distributed as compensation mandates among the political parties whose candidates receive at least 5 per cent of the votes nationally.

(5) The compensation mandates are distributed using a modified d'Hondt distribution method with the distribution series of 1,  $2^{0.9}$ ,  $3^{0.9}$ ,  $4^{0.9}$ , etc. In calculating the comparative figure for each political party, as many first elements of the series are omitted as the number of mandates obtained by the political party in the electoral districts. Where the comparative figures of at least two political parties are equal, the political party whose candidates are further towards the bottom of the consolidated list of candidates in the electoral district is given the mandate.

(6) The candidate who is positioned further towards the top of the list and in whose favour the number of votes cast amounts to at least 5 per cent of the simple quota is given a compensation mandate in the national list of candidates. Upon the distribution of mandates, the candidates who were elected in electoral districts are omitted.

(7) Where upon the distribution of compensation mandates it becomes evident that there are not enough candidates in the national list of candidates in whose favour the number of votes cast amounts to at least 5 per cent of the simple quota of their electoral district, the candidate of the same list who has received the highest percentage of votes of the simple quota of their electoral district is given a compensation mandate. In the event of an equal number of votes, the candidate who is positioned further towards the top of the submitted list is given a compensation mandate.

(8) No political party is given more mandates than there are candidates in its list.

(9) Where a resolution to register a candidate of a political party is revoked (subsection 5 of § 32), the votes cast for the candidate in a foreign state are retained by that political party. The votes of a candidate who dies after the start of the advance voting are also retained by the political party. Where the resolution to register an independent candidate is revoked or an independent candidate dies, the votes cast in favour of the candidate are not taken into account in the ascertaining of the election results.

(10) The National Electoral Committee prepares a record concerning the election results which is signed by the chair of the Committee. The date and time of preparation of the record are indicated therein.

(11) The ascertaining of the voting results in the National Electoral Committee is public.  
[RT I 2006, 30, 231 – entry into force 14.07.2006]

## **Chapter 10**

# **SPECIAL RULES FOR EXTRAORDINARY RIIGIKOGU ELECTIONS**

### **§ 63. Special rules for extraordinary Riigikogu elections**

(1) Extraordinary Riigikogu elections are held in accordance with this Act, taking into account the special rules prescribed in this Chapter.

(2) The National Electoral Committee establishes, by a resolution, the following time limits for the acts concerning extraordinary elections of the Riigikogu:

1) submission of the number of Estonian citizens with the right to vote (subsection 3 of § 7);

2) amendment of the division of voting districts (subsection 3 of § 19);

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

3) formation of voting district committees (§ 19<sup>1</sup>);

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

4) sending of election information sheets (§ 21);

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

5) [repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021];

6) nomination of candidates (§ 30);

7) registration of candidates (§ 32);

<sup>1</sup>) time of advance voting (subsection 2 of § 38);

[RT I 2004, 6, 32 – entry into force 14.02.2004]

8) sending of election information sheets to voters permanently residing or temporarily staying in a foreign state (subsection 4 of § 49);

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

9) submission of applications to vote by post to foreign missions (§ 50);

- 10) receipt of ballot papers of voting by post (subsection 2 of § 52);
- 11) time of voting at foreign missions (subsection 2 of § 54).

(3) In the event of extraordinary Riigikogu elections, a total of at least 10 days must be provided for the nomination and registration of candidates.

(4) In the event of extraordinary elections, voters are entered in the list of voters in the electoral district in the territory of their residence, as entered in the population register, as at the day when elections are declared.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **Chapter 11**

### **ELECTION EXPENDITURE**

#### **§ 64. Expenditure for organisation of elections**

(1) Expenditure relating to the preparation and organisation of Riigikogu elections is covered from the state budget.

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

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

(4) The expenditure of the population register relating to the registration of voters is covered from the state budget out of the funds available therefor in the budget of the Ministry of the Interior.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) Expenditure relating to the organisation of voting in a foreign state is covered from the state budget out of the funds available therefor in the budget of the Ministry of Foreign Affairs.  
[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

#### **§ 65. Report on financing of election campaign of political party and independent candidate**

[Repealed – RT I 10.12, 2010, 1 – entry into force 01.04.2011]

#### **§ 66. Funds used for election campaign**

[Repealed – RT I 10.12, 2010, 1 – entry into force 01.04.2011]

#### **§ 67. Expenditure for election campaign**

[Repealed – RT I 10.12, 2010, 1 – entry into force 01.04.2011]

## **Chapter 12**

### **NOTICES AND COMPLAINTS**

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

#### **§ 68. Notice concerning deficiency in electoral management**

(1) A person who finds that an elections manager has infringed their 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 is to be submitted immediately, but not later than on the third day after the violation specified in subsection 1 of this section.

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

(4) A notice concerning deficiency:

- 1) indicates the name, personal identification code and telecommunications details of the person submitting the notice;
- 2) describes the act regarding which the notice is submitted.

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

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

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

### **§ 69. Definition of complaint**

For the purposes of this Act, a complaint means a duly completed request filed with the National Electoral Committee for an act of an elections manager to be declared unlawful, and a complaint or appeal filed with the Supreme Court pursuant to the procedure provided in § 72<sup>1</sup> of this Act against a resolution or an act made by the National Electoral Committee.

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

### **§ 70. Right to file complaint**

An individual, a candidate or a political party (hereinafter *interested person*) who finds that their rights have been infringed by a contested act has the right to file a complaint.

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

### **§ 71. Requirements for complaint**

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

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

(2) A complaint is signed by the complainant. A complaint from a political party is signed by the authorised representative of the political party.

(3) Where a complaint does not meet the requirements prescribed in subsections 1 and 2 of this section or where a complaint has been submitted in violation of the procedure prescribed in § 70 and subsection 1 of § 72 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 rules provided in subsection 6 of § 68 of this Act. Where the complainant has allowed the term for filing the complaint to expire with good reason, the National Electoral Committee restores the term on the basis of their reasoned request.

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

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

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

- 1) the performance of the contested act or
- 2) the review of a notice provided in § 68 of this Act.

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

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

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

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

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

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

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

(2) A complaint against an act of the elections manager may be filed with the Supreme Court after adjudication of the matter in the National Electoral Committee.

(3) A complaint or appeal against an act of the elections manager or a resolution or act of the National Electoral Committee is filed with the Supreme Court via the National Electoral Committee within three days after the communication of the resolution or performance of the act of the National Electoral Committee.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

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

(1) Where the National Electoral Committee or the Supreme Court has declared the voting results in a voting district, rural municipality, city, electoral district or the state invalid, the National Electoral Committee determines a new election day, and a repeat vote is held in the respective voting district, rural municipality or city, electoral district or the whole state. The election results are determined after the results of the repeat vote become clear.

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

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

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

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

(3) The provisions of §§ 40–45 and 47 and Chapters 7<sup>1</sup> and 8 of this Act do not apply to a repeat vote.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **Chapter 12<sup>1</sup> LIABILITY**

[RT I 2003, 26, 156 - entry into force 21.03.2003]

### **§ 73<sup>1</sup>. 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) A police authority conducts extra-judicial proceedings in the matters of misdemeanours provided in subsection 1 of this section.

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

### **§ 73<sup>2</sup>. Violation of restrictions established on outdoor political advertising**

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

### **§ 73<sup>3</sup>. Taking ballot paper out of polling place**

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

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

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

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

## **Chapter 13**

# FINAL PROVISIONS

## § 74. Registration of members of Riigikogu and declaration of election results

(1) The National Electoral Committee registers, by a resolution, the elected members of the Riigikogu after the election day if the term for filing complaints or appeals with the National Electoral Committee and the Supreme Court has expired or if final resolutions or judgments have been adopted in respect of the complaints filed.

(2) In the event prescribed in § 73 of this Act, the National Electoral Committee registers the elected members of the Riigikogu after the day of the repeat vote, taking into consideration the provisions of subsection 1 of this section.

(3) The election results are deemed to be declared on the day following the publication of the resolution of the National Electoral Committee set out in subsection 1 or 2 of this section in the *Riigi Teataja*.

(4) Where an elected candidate holds an office at the time of the declaration of the election results, which is incompatible with the office of a member of the Riigikogu, they must notify the National Electoral Committee within five days after the date of declaration of election results, whether they wish to participate in the work of the Riigikogu or continue in their current office and decline the mandate.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

## § 75. Registration of alternate members of Riigikogu

(1) The National Electoral Committee registers the alternate members of the Riigikogu by a resolution. The National Electoral Committee forwards the resolution to the Board of the Riigikogu.

(2) Alternate members are registered for the political parties whose candidates have collectively received at least 5 per cent of the valid votes nationally.

(3) Candidates are registered, for each electoral district, for political parties as alternate members for candidates who were elected in electoral districts and are ranked according to the number of votes received. Where candidates receive an equal number of votes from the voters, the candidate who was positioned further towards the top of the list of candidates of the political party in the electoral district is positioned ahead. Unelected candidates for whom the number of votes cast amounts to at least 10 per cent of the simple quota of the electoral district are registered as alternate members.

(4) Unelected candidates for whom the number of votes cast amounts to at least 5 per cent of the simple quota of the electoral district are registered as alternate members for candidates who were elected on the basis of compensation mandates in the order specified in the national list of the political party, and thereafter the rest of the unelected candidates of the same political party are registered in the order of the percentage of votes calculated on the basis of the simple quota of the electoral district. Where the percentage of votes of candidates is equal, the candidate who was positioned further towards the top of the national list of the political party is positioned ahead.

## § 76. Registration of additional mandates

(1) The table of comparative figures of political parties which has been approved by a resolution of the National Electoral Committee is the basis for the distribution of additional mandates. The National Electoral Committee forwards the resolution to the Board of the Riigikogu.

(2) The table of comparative figures sets out the comparative figures obtained for political parties (subsection 5 of § 62) in size order, starting from the comparative figure which was the first not to be taken into account upon distribution of compensation mandates.

(3) Where at least two comparative figures are equal, the comparative figure of the political party which received more votes from voters receives a higher ranking. Where an equal number of votes have been cast for political parties, the political party whose candidates were positioned further towards the bottom of the consolidated list of candidates in the electoral district receives a higher ranking.

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

## § 77. Refund of deposit

The deposit is refunded to an independent candidate or a political party where the candidate is elected or receives votes to the extent of at least one half of the simple quota in the electoral district or if the candidates of the political party receive at least 5% of the votes nationally. The National Electoral Committee transfers unrefunded deposit into state revenues.

## § 77<sup>1</sup>. Preservation of ballot papers and election documents

(1) A rural municipality or city secretary preserves the ballot papers for one month after the election day. After the expiry of this term, but not earlier than upon adoption of the final resolutions or judgments in respect to any

complaints or appeals filed, the rural municipality or city secretary organises the destruction of the ballot papers and documents it.

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

(2) The State Electoral Office preserves the electronic votes for one month after the election day. After the expiry of this term, but not earlier than upon adoption of the final resolutions or judgments in respect to any complaints or appeals filed, the State Electoral Office destroys 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 are preserved permanently. The list of voters is preserved permanently in the National Archives.

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

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

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

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

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

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

Electronic voting is not implemented before 2005.

§ 79.–§ 85.[Omitted from this text.]

#### **§ 85<sup>1</sup>. Implementation of verification of electronic votes**

(1) The verification of electronic votes specified in § 48<sup>6</sup> of this Act is not implemented before 2015.

(2) Based on a resolution of the National Electoral Committee and to the extent specified therein, an experimental system may be implemented from the municipal council elections in 2013, providing a voter with an opportunity to verify whether the application used for electronic voting has transferred the vote cast by the voter to the electronic voting system according to the voter's intention.

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

#### **§ 85<sup>2</sup>. Beginning of term of authority of Electronic Voting Committee**

(1) The National Electoral Committee appoints the members and the chair of the Electronic Voting Committee within one month after the entry into force of § 17<sup>1</sup> of this Act.

(2) The term of authority of the Electronic Voting Committee begins as of the day following the appointment.

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

#### **§ 85<sup>3</sup>. Term of authority of members of National Electoral Committee**

(1) The term of authority of a member of the National Electoral Committee formed in 2016 terminates pursuant to the rules provided in this Act no later than on 31 May 2020, taking account of the special rules provided in this section.

(2) A member of the National Electoral Committee specified in clause 7 of subsection 2 of § 10 of this Act is appointed not later than on 10 January 2017, and their term of authority terminates at the due date provided in subsection 1 of this section.

(3) The term of authority of a member of the National Electoral Committee who is an official of the Chancellery of the Riigikogu appointed by the Secretary General of the Riigikogu, terminates upon appointment of a member of the National Electoral Committee appointed on the basis specified in subsection 2 of this section.

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

#### **§ 85<sup>4</sup>. Term of authority of members of county electoral committee**

The term of authority of the members of the county electoral committees formed in 2012 is extended until 31 December 2016.

[RT I, 06.05.2016, 1 – entry into force 16.05.2016]

**§ 86. Entry into force of Act**

This Act enters into force on the 10<sup>th</sup> day after its publication in the *Riigi Teataja*, except for §§ 75 and 79 which enter into force on 2 March 2003.