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## Municipal Council Election Act

Passed 27.03.2002  
RT I 2002, 36, 220  
entered into force pursuant to § 74.

Amended by the following acts

Passed	Published	Entry into force
12.06.2002	RT I 2002, 57, 355	18.07.2002
15.07.2002	RT III 2002, 22, 251	15.07.2002
30.07.2002	RT I 2002, 68, 407	07.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
correction notice, RT I 2002, 72		
18.12.2003	RT I 2003, 90, 601	01.01.2004
21.01.2004	RT I 2004, 6, 32	14.02.2004
22.09.2004	RT I 2004, 71, 501	29.10.2004
19.04.2005	RT III 2005, 13, 128	19.04.2005
20.04.2005	RT I 2005, 25, 194	27.05.2005
09.06.2005	RT I 2005, 37, 281	10.07.2005
28.06.2005	RT I 2005, 47, 387	18.09.2005
19.04.2006	RT I 2006, 21, 159	01.06.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
07.06.2006	RT I 2006, 30, 231	14.07.2006
15.06.2006	RT I 2006, 32, 244	17.07.2006
11.10.2006	RT I 2006, 48, 358	18.11.2006
14.06.2007	RT I 2007, 44, 316	14.07.2007
10.12.2008	RT I 2008, 53, 293	17.12.2008
11.12.2008	RT I 2009, 2, 5	16.01.2009, in part 01.01.2011
16.04.2009	RT I 2009, 23, 144	01.05.2009
06.05.2009	RT I 2009, 27, 165	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13.07.2010 (OJ L 196, 28.07.2010, pp 24-26).
19.05.2010	RT I 2010, 29, 150	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
13.06.2012	RT I, 10.07.2012, 3	01.04.2013
17.10.2012	RT I, 01.11.2012, 1	11.11.2012
19.06.2014	RT I, 11.07.2014, 1	21.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015

18.02.2015	RT I, 12.03.2015, 2	22.03.2015, in part 01.11.2015
14.01.2016	RT I, 22.01.2016, 7	01.02.2016
13.04.2016	RT I, 06.05.2016, 1	01.01.2017
07.06.2016	RT I, 21.06.2016, 1	01.07.2016, in part 01.01.2017; throughout the text of the Act, the words “rural municipality or city list” are replaced by the words “city list” in the appropriate case form.
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
25.10.2017	RT I, 17.11.2017, 1	01.01.2019, in part 27.11.2017
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. Bases of election system**

(1) The elections of municipal council (hereinafter *council*) members are free, general, uniform and direct. Voting is secret.

(2) Each voter has one vote.

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

#### **§ 2. Time of elections**

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

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

#### **§ 3. Bases and time of supplementary elections**

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

(2) The chair or deputy chair of the council or, in case of their absence, the rural municipality mayor or city mayor notifies a rural municipality or city electoral committee of the circumstances specified in subsection 1 of this section within three days.

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

(3) A rural municipality or city electoral committee determines the election day by their resolution upon the approval of the State Electoral Office within five days after receipt of the notice specified in subsection 2 of this section. The elections are held not later than on the 30<sup>th</sup> day after the entry into force of the resolution of the rural municipality or city electoral committee. Supplementary council elections are held on a Sunday.

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

(4) A rural municipality or city electoral committee establishes, by its resolution and upon the approval of the State Electoral Office, the time limits for the acts regarding supplementary elections and publishes these within three days after the day on which the resolution is adopted.

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

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

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

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

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

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

(3) The elections for the council of a newly formed local authority are not held during the period between regular elections in a case where the regulation of the Government of the Republic on the alteration of

administrative-territorial organisation enters into force less than one year before the election day prescribed in § 2.

(4) In the event specified in subsection 2 of this section, a rural municipality or city electoral committee determines the election day by their resolution upon the approval of the State Electoral Office within 10 days after entry into force of a regulation of the Government of the Republic on the alteration of administrative-territorial organisation. The elections are held not earlier than on the 90<sup>th</sup> day after the elections are declared. The election day is a Sunday.

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

#### **§ 5. Right to vote and stand as candidate**

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

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

(2) An alien has the right to vote if they meet the conditions specified in subsection 1 of this section and:  
1) reside in Estonia on the basis of a long-term residence permit or the permanent right of residence.

2) [repealed – RT I 2006, 48, 358 – entry into force 18.11.2006]

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

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

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

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

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

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

#### **§ 5<sup>1</sup>. Alien**

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

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

## **Chapter 2 CAMPAIGNING**

#### **§ 6. Restriction on campaigning**

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

(2) Election campaigning at polling places is prohibited.

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

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

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

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

## **Chapter 3 NUMBER OF COUNCIL MEMBERS AND ELECTORAL DISTRICTS**

## § 7. Determination of number of council members

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

(2) A council must have at least seven members. The number of council members is determined on the basis of the data of the population register, based on the number of residents in the rural municipality or city as at 1 June of the election year as follows:

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

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

(3) The number of council members is determined not later than on the 90<sup>th</sup> day before the election day.

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

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

## § 8. Formation of electoral districts

(1) A council forms one electoral district in the territory of a rural municipality or city. A council forms eight electoral districts in a local authority with more than 300,000 residents, except in the event specified in the second sentence of subsection 4<sup>1</sup> of this section.

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

(2) Several electoral districts may be formed:

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

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

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

(2<sup>1</sup>) In the event specified in subsection 2 of this section the council determines the electoral district of the candidates for which a voter votes if the data on the residence of the voter has been entered in the population register to the accuracy of the rural municipality or city.

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

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

(3<sup>1</sup>) In the event specified in clause 2 of subsection 2 of this section, electoral districts are formed for the merged local authorities or groups of local authorities, and in the event specified in clause 2<sup>1</sup> of subsection 2, electoral districts are formed for the local authorities or groups of local authorities to be merged.

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

(4) In Tallinn, the council forms an electoral district for each city district.

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

(4<sup>1</sup>) Where no city districts are formed in Tallinn, electoral districts are formed pursuant to the distribution and boundaries of the electoral districts in the previous municipal council elections, in case the electoral districts in Tallinn were formed for each city district. Where any rural municipality or city merges with Tallinn, it forms a separate electoral district.

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

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

(6) Electoral districts are formed not later than on the 90<sup>th</sup> day before the election day.

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

## **§ 9. Distribution of mandates between electoral districts**

(1) A council distributes the mandates between electoral districts based on the number of voters according to the data of the population register as at 1 June of the election year, as follows:

- 1) the total number of voters is divided by the number of council members;
- 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 specified in 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) In Tallinn, one half of the mandates is divided equally among the electoral districts, taking account of the principle that the number of district mandates is the smallest integer which can be divided by the number of the electoral districts which is at least one half of all the mandates. The remaining mandates are distributed in accordance with the provisions of subsection 1 of this section, taking into account that the total number of voters is divided by the number of the undivided mandates.

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

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

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

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

(1) For holding the elections of a new local authority, the councils concerned perform the following acts upon agreement:

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

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

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

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

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

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

# **Chapter 4 ELECTORAL MANAGEMENT**

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

## **Subchapter 1 Electoral Committees**

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

## **§ 12. Competence of National Electoral Committee**

(1) The function of the National Electoral Committee is to ensure compliance with the principles provided in § 1 of this Act, to resolve complaints, to exercise supervision over the activities of the rural municipality and city electoral committees and the elections managers, and to perform other functions arising from law.

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

- 1) to issue precepts to the elections manager and rural municipality or city electoral committee 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 a 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, electoral district, rural municipality, city, 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;
- 5) to release a member of the local municipality or city electoral committee who has violated the law from the performance of the duties of a member of an electoral committee;
- 6) to file a protest with the Supreme Court in order to invalidate a resolution of a rural municipality or city electoral committee by which a person was registered as a council member where it has become evident that the person does not comply with the requirements prescribed in subsection 5 or 6 of § 5 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]

### **§ 13. Competence of rural municipality or city electoral committee**

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

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

### **§ 14. Formation of rural municipality or city electoral committee**

(1) A rural municipality or city electoral committee is comprised of at least five members.

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

(2) The members of a rural municipality or city electoral committee are appointed not later than on the 90<sup>th</sup> day before the election day.

(3) The term of authority of rural municipality and city electoral committees continues until the new committee is appointed.

(4) The chair of a rural municipality or city electoral committee is the corresponding rural municipality or city secretary. Where a substitute is appointed for the time of the absence of a rural municipality or city secretary based on subsection 5 of § 55 of the Local Government Organisation Act, the substitute for the rural municipality or city secretary performs the functions of the chair of a rural municipality or city electoral committee.

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

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

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

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

(9) A rural municipality or city government designates and publishes the location of the rural municipality or city electoral committee.

(10) A rural municipality or city electoral committee specifies and publishes its working hours. An electoral committee must work on all working days during the period from when the time for the nomination of candidates begins to the last day of declining to stand as a candidate.

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

## **§ 15. Member of rural municipality or city electoral committee**

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

(2) The term of authority of a member of a rural municipality or city 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 nominated as a candidate for municipal council elections;
- 5) [repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

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

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

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

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

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

(1) The work format of a rural municipality or city electoral committee is a meeting which is 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) A rural municipality or city electoral committee has a quorum if at least one-half of the members of the committee attend the meeting of the committee. The 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 a rural municipality or city electoral committee are public and are recorded in minutes.

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

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

(6) Where a member of a rural municipality or city electoral committee cannot participate in a meeting of the committee, an alternate member who has all the rights and obligations of a member of the committee, except the rights and obligations of the chair or deputy chair, substitutes for them.

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

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

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

(2) The chair and deputy chair of a rural municipality or city electoral committee are elected by the committee from among its members. The term of authority of the chair of the committee continues until the rural municipality or city secretary of the new local authority is appointed.

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

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

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

## **Subchapter 2 Elections Managers**

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

### **§ 18. Elections managers**

- (1) Municipal council elections are managed by:
  - 1) the State Electoral Office;
  - 2) rural municipality and city secretaries;
  - 3) voting district committees.
- (2) The procedure for formation of the State Electoral Office is provided in the Riigikogu Election Act.
- (3) The procedure for appointment to office and substitution of rural municipality and city secretaries is provided in the Local Government Organisation 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 at municipal council elections and be proficient in Estonian. The permanent residence of a person managing elections need not be in this rural municipality or city.
- (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, election coalitions 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]

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

- (1) The function of the State Electoral Office is:
  - 1) to ensure the holding of the elections in accordance with law, to organise electronic voting and ascertain the results of electronic voting;
    - 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 the performance of the duties arising from the electoral acts;
  - 4) to perform other duties arising from this Act.
- (2) For the performance of their functions, the State Electoral Office:
  - 1) 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;
    - 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 and rural municipality and city electoral committees;
  - 7) may remove a person managing elections who has violated the law or an order of the State Electoral Office from the holding of the elections;
  - 8) where necessary, makes a proposal to the National Electoral Committee for adopting the resolutions provided in clauses 2–4 of subsection 2 of § 12 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 thereof.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]



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

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

## **§ 20<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;
- 3) decides on the remuneration of a member of a voting district committee on the proposal of the chair of the voting district 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]

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

Assistance to elections managers is provided pursuant to the provisions of § 18 of the Riigikogu Election Act.

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

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

(1) At least one voting district 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]

## **§ 23. Formation of voting district committee**

(1) In order to hold voting in a voting district, the 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 and election coalitions participating in the elections in the given rural municipality or city present the remaining members.

(4) A political party or election coalition 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 and election coalitions do not present candidates or where the number of candidates presented by them is smaller than the number of places that the political parties and election coalitions 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 and election coalitions exceeds the number of places that the political parties and election coalitions have in the voting district committee, all the remaining candidates are appointed alternate members of the voting district committee.

(8) The council 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]

### **§ 23<sup>1</sup>. Competence of voting district committee**

The function of a voting district committee is to organise 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]

### **§ 23<sup>2</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]

### **§ 23<sup>3</sup>. Formation of voting district committee in event of elections to council of new local authority**

(1) In order to hold the elections to the council of a new local authority, a rural municipality or city electoral committee appoints the members and alternate members of a voting district committee pursuant to the provisions of § 23 of this Act. In such case, the resolutions of the council provided in § 23 of this Act are adopted by a rural municipality or city electoral committee and the acts of a rural municipality or city secretary are performed by the chair of a rural municipality or city electoral committee.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

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

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

(1) Everyone has the right to observe the acts and procedures of electoral committees 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 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 electoral committee or the elections manager.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **Chapter 5**

# REGISTRATION OF VOTERS

## § 24. Registration of voters

(1) Voters 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]  
[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]

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

(1) Not later than on the 70<sup>th</sup> day before the election day, the controller of the population register organises the preparation and sending of notices to citizens of the European Union who, pursuant to subsections 1, 3 and 4 of § 5 of this Act, have the right to participate in voting.

(2) The following is entered in the notice:

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

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

## § 26. 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]

## § 27. 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 § 24 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 § 24 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 data 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]

## **§ 28. 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 election coalitions 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]

## **§ 29. 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]

## **§ 30. 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 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]

### **§ 30<sup>1</sup>. Notification obligation**

Officials of vital statistics offices or other government authorities or rural municipality or city government officials, police officers, heads of medical institutions and social welfare institutions, judges, prosecutors, notaries and enforcement agents who have information concerning a person of 16–17 years of age who should be divested of their active legal capacity with regard to the right to vote are required to notify the rural municipality or city government and a court thereof in accordance with the usual whereabouts of the person of 16–17 years of age. The same obligation rests also with the relatives of a person of 16–17 years of age.

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

## **Chapter 6 NOMINATION AND REGISTRATION OF CANDIDATES**

### **§ 31. Political party**

(1) Political parties which are entered in the non-profit associations and foundations register not later than on the last day for the nomination of candidates may participate in council elections.

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

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

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

(4) A political party submits, upon nominating candidates, a written notice to the rural municipality or city electoral committee which sets out the names, personal identification codes, addresses and telecommunications numbers of the authorised representatives of the political party. 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 2010, 29, 150 – entry into force 01.01.2011]

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

### **§ 31<sup>1</sup>. Election coalition**

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

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

(3) An election coalition is presented for registration to the rural municipality or city electoral committee not earlier than on the 60<sup>th</sup> and not later than on the 45<sup>th</sup> day before the election day.

(4) The authorised representative of an election coalition submits a notice to the rural municipality or city electoral committee for registration of the candidates of the election coalition. The notice sets out the following:

1) name of rural municipality or city for the council elections of which the election coalition is formed;

- 2) name of the election coalition;
- 3) written contract of partnership which contains the names, personal identification codes, addresses and telecommunications numbers of at least two persons authorised to manage the election coalition;
- 4) names, personal identification codes and signatures of Estonian citizens and citizens of the European Union who have right to vote and who formed the election coalition.

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

(6) A rural municipality or city electoral committee registers an election coalition presented for registration in accordance with the requirements within three days after receipt of the documents set out in subsection 4 of this section.

(7) A rural municipality or city electoral committee does not register an election coalition where the documents set out in subsection 4 of this section are not submitted within the term for nomination thereof or where they contain omissions or errors or where the formation of the election coalition is prohibited pursuant to this Act. [RT I, 10.12.2010, 1 – entry into force 01.04.2011]

### **§ 32. Independent candidate**

(1) Any person who has the right to stand as a candidate (subsections 5 and 6 of § 5) may nominate themselves as an independent candidate and perform the acts necessary for registration. Any person who has the right to vote pursuant to subsections 1, 3 and 4 of § 5 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. [RT III 2002, 22, 251 – entry into force 15.07.2002 – Judgment No. 3-4-1-7-02 of the Constitutional Review Chamber of the Supreme Court of 2002.22 declares subsection 1 to be in conflict with §§ 11 and 12 and subsection 1 of § 156 of the Constitution.]

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

### **§ 32<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]

### **§ 33. Application to stand as candidate**

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

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

- 1) expresses their desire to stand as a candidate in the list of a political party or election coalition or stand as an independent candidate;
- 2) confirms that they comply with the requirements of this Act for candidates standing in council elections;
- 3) submits the data provided in subsections 2 and 3 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) A citizen of the European Union submits also the data on their citizenship in an application to stand as a candidate.

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

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

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

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

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

### **§ 34. List of candidates**

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

### **§ 35. Nomination of candidates**

- (1) The nomination of candidates begins on the 60<sup>th</sup> day before the election day. A political party may nominate its candidates after submission of a notice specified in subsection 4 of § 31 of this Act and an election coalition may nominate its candidates after registration of the election coalition.
- (2) The nomination of candidates ends at 18:00 on the 40<sup>th</sup> day before the election day.
- (3) In order to register candidates, a political party or election coalition submits the following to the rural municipality or city electoral committee:
- 1) an application for the registration of candidates;
  - 2) the lists of candidates in electoral districts;
  - 2<sup>1</sup>) in Tallinn, an additional city list of candidates.
- [RT I, 21.06.2016, 1 – entry into force 01.07.2016]
- 3) an application to stand as a candidate of each candidate.
- [RT I, 11.07.2014, 1 – entry into force 21.07.2014]
- (4) An independent candidate submits the following to the rural municipality or city electoral committee:
- 1) an application for the registration of candidate;
  - 2) an application to stand as a candidate.
- [RT I, 11.07.2014, 1 – entry into force 21.07.2014]

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

- (1) Rural municipality and city electoral committees maintains records concerning the nomination of candidates.
- (2) The registration documentation of candidates are delivered by an authorised representative of the political party or election coalition. 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 a rural municipality or city electoral committee, 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 documents submitted are returned.
- [RT I, 06.05.2016, 1 – entry into force 01.01.2017]
- (4) Where a political party, an election coalition or an independent candidate wishes to make amendments to the registration documents of candidates, the rural municipality or city electoral committee returns all the submitted documents and, upon re-submission thereof, the documents are deemed to have been submitted for the first time.
- (5) Where a candidate is deleted from the list of nominated candidates on the basis of a personal application, the rural municipality or city electoral committee returns the application to stand as a candidate to the candidate and

informs an authorised representative of the political party, election coalition or independent candidate thereof. The political party or election coalition need not resubmit the registration documentation of candidates.  
[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

(6) Where a political party, election coalition or an independent candidate submits documents before 18:00 on the 40<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, election coalition or independent candidate is to perform the required acts not later than before 18:00 on the 38<sup>th</sup> day before the election day.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

### **§ 37. Registration of candidates**

(1) The rural municipality or city electoral committee registers, after expiry of the term for the nomination of candidates but not later than on the 35<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 and independent candidates. Independent candidates are assigned a registration number after each list of candidates of political parties and election coalitions has been assigned a registration number. The sequence of assigning numbers to the political parties, election coalitions and independent candidates is decided by drawing lots.  
[RT I 2004, 71, 501 – entry into force 29.10.2004]

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

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

(4) A rural municipality or city electoral committee adopts a reasoned resolution not to register a candidate.

(5) A rural municipality or city 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 established that the candidate does not comply with the requirements prescribed in subsection 5 or 6 of § 5 of this Act.

(6) A rural municipality or city 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 5 and 6 of § 5 of this Act or where the resolution not to register the candidate is revoked by a resolution of the National Electoral Committee or a judgment of the Supreme Court.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(7) A resolution on registration may be revoked and a person who was not registered may be registered not later than by the 13<sup>th</sup> day before the election day.  
[RT I, 01.11.2012, 1 – entry into force 11.11.2012]

### **§ 38. Supplementary nomination of candidates**

(1) Where the number of candidates nominated in an electoral district is equal to or less than the number of mandates in the district, the rural municipality or city electoral committee proposes that the political parties and election coalitions registered in the rural municipality or city supplementarily nominate candidates and that the voters supplementarily nominate independent candidates. Candidates who are supplementarily nominated are registered together with the initially nominated candidates not later than on the 15<sup>th</sup> day before the election day.  
[RT I 2002, 68, 407 – entry into force 07.08.2002]

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

(3) Where on the 15<sup>th</sup> day before the election day the number of candidates nominated in an electoral district is equal to or less than the number of mandates in the district, the rural municipality or city electoral committee adopts a resolution concerning postponement of the elections for up to one month in the rural municipality or



city. In such case, the rural municipality or city electoral committee simultaneously prepares and publishes a schedule for holding the elections.

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

(4) In the event of the postponement of elections, the provisions of §§ 46–51 and Chapter 7<sup>1</sup> of the Act do not apply.

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

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

(1) After the registration of candidates, the rural municipality or city secretary prepares the consolidated list of candidates in the electoral district.

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

(2) Candidates are entered in the consolidated list of candidates in an electoral district for each list of candidates of political parties and election coalitions in the electoral district in the order of their registration numbers.

The name of the political party or election coalition which submits 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 and election coalitions in the electoral district.

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

(3) The registration number and name of each candidate 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) A rural municipality or city secretary forwards the consolidated lists of candidates in the electoral district and the city lists of candidates. The State Electoral Office prepares the list of candidates to all councils.

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

(5) A rural municipality or city secretary notifies the State Electoral Office promptly of all corrections and amendments to the consolidated list of candidates in the rural municipality or city or the city list of candidates. The State Electoral Office notifies other rural municipality or city secretaries of such corrections and amendments. A rural municipality or city secretary makes the corresponding corrections and amendments to the list of candidates to all councils. The lists of candidates are not amended after the 13<sup>th</sup> day before the election day.

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

## **Chapter 7 VOTING PROCEDURE**

### **§ 40. 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 and, in Tallinn, the additional city list 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.

### **§ 41. 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]

#### **§ 42. 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.

#### **§ 43. 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.

#### **§ 44. Time of voting**

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

(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 § 22 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]

#### **§ 45. 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 §§ 47–49 and 51 and in Chapter 7<sup>1</sup> 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]

#### **§ 46. Advance voting**

(1) Advance voting is held pursuant to the procedure prescribed in § 45 of this Act.

(2) A voter entered in the list of voters who has attained 16 years of age by the day of the advance voting has the right to vote in the advance voting.  
[RT I, 22.01.2016, 7 – entry into force 01.02.2016]

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

#### **§ 47. 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 § 44 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 (§ 49), in penal institutions, hospitals and 24-hour social welfare institutions (§ 51).

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

#### **§ 48. 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 § 45 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]

#### **§ 49. 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 § 47 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 § 45 and subsections 1–4 and 6 of § 48 of this Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

#### **§ 51. 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 § 44 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 § 47 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 § 45 and subsections 1–4 and 6 of § 48 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 § 53 of this Act.  
[RT I, 11.07.2014, 1 – entry into force 21.07.2014]

#### **§ 52. 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 in accordance with the provisions of subsections 1–4, 6–8 and 11 of § 45 of this Act. Such members are appointed based on the principle that they may not be members of the same political party and they may have been presented to be members of a voting district committee on the proposal of the same political party or election coalition.

(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 § 45 of this Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

#### **§ 52<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 § 46 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 § 44 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]

### **§ 53. 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 rural municipalities and cities, 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 § 19 of this Act.

(2) The envelopes with the ballot papers of the voters who voted outside the electoral district of their residence are to be forwarded to the rural municipality or city electoral committee of the residence of the voters not later than at 12:00 on the election day.

(3) After receipt of the envelopes with ballot papers, the rural municipality or city electoral committee checks on the basis of the list of voters that the residence of the voters is in this electoral district.

(4) Where a voter is not entered in the list of voters of the electoral district, the rural municipality or city electoral committee does not take into account the envelope containing the ballot paper of the voter.

(5) After performing the acts prescribed in subsections 3 and 4 of this section, the rural municipality or city electoral 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]

### **§ 53<sup>1</sup>. [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]

### **§ 53<sup>2</sup>. Organisation of electronic voting**

Electronic voting is organised at the time specified in clause 4 of subsection 2 of § 44 of this Act and pursuant to the procedure provided in Chapter 7<sup>1</sup> of the Riigikogu Election Act.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

### **§ 54. 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 § 52<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, political parties and election coalitions 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]

#### **§ 54<sup>1</sup>. [Repealed – RT I 01.11, 2012, 1 – entry into force 11.11.2012]**

#### **§ 54<sup>2</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 the Riigikogu Election Act, which ensure access to the vote-opening key.

(5) The State Electoral Office verifies the following for each electoral district:  
[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, political parties and election coalitions.

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

### **§ 54<sup>3</sup>. Ascertaining of voting results of voters who voted outside electoral district of their residence**

(1) The rural municipality or city electoral committee organises the counting of votes and decide on the validity of ballot papers.

(2) The rural municipality or city electoral 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 rural municipality or city electoral 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 rural municipality or city electoral committee verifies for each electoral district the number of invalid ballot papers and the number of votes cast for candidates, political parties and election coalitions. Ballot papers are declared invalid pursuant to the provisions of subsections 7 and 8 of § 54 of this Act.

(5) A record signed by the chair of the rural municipality or city electoral 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 rural municipality or city electoral committee.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

(1) On the basis of the records, records concerning the voting results of voters who voted outside the electoral district during advance voting, list of voters, and record sheets concerning the ballot papers received from the voting district committees, and voting results of voters who voted using electronic means, the rural municipality or city electoral committee verifies for every electoral district the number of voters who were given a ballot paper, the number of voters who participated in voting, the number of invalid ballot papers, and the number of votes cast for candidates, political parties and election coalitions. The result obtained is checked by recounting the ballot papers.

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

(3) A rural municipality or city electoral committee prepares a record concerning the ascertaining of the voting results in the rural municipality or city which is signed by the chair of the committee. The date and time of preparation of the record are indicated therein.

(4) Voting results are ascertained publicly in a rural municipality or city electoral committee.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

(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.  
[RT I, 21.06.2016, 1 – entry into force 01.07.2016]

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

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

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

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

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

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

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

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

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

(9) Where only independent candidates are in the consolidated list of candidates in an electoral district, the candidates who receive the greatest number of votes are elected. Where at least two candidates receive an equal number of votes, the candidate who was positioned further towards the bottom in the consolidated list of candidates in an electoral district is elected.

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

(11) A rural municipality or city 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.

(12) Election results are ascertained publicly in a rural municipality or city electoral committee.

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

## **§ 56<sup>1</sup>. Ascertaining of election results in Tallinn**

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

(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 or election coalitions in an electoral district whose candidates collectively receive at least 5 per cent of the votes in a rural municipality or city, 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 or election coalition in an electoral district are totalled. A political party or an election coalition 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 the political party or election coalition. The candidates who are further towards the top of the list are elected. Where at least two candidates receive an equal number of votes, the candidate who is positioned further towards the top of the city list of candidates is elected.

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

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

(5) Compensation mandates are distributed using the d'Hondt distribution method with the distribution series of 1, 2, 3, 4 etc. In calculating the comparative figure for each political party or election coalition, as many first



elements of the series are omitted as the number of mandates obtained by the political party or election coalition in the electoral districts. Where the comparative figures of at least two political parties or election coalitions are equal, the mandate is received by the political party or election coalition whose candidates were positioned further towards the bottom in the consolidated list of candidates in an electoral district.

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

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

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

(9) Where a candidate of a political party or election coalition dies after the start of advance voting, the votes cast for them are retained by that political party or election coalition. Where the resolution on the registration of an independent candidate is annulled or an independent candidate dies, votes cast in favour of the candidate are not taken into account in the ascertaining of election results.

(10) A rural municipality or city 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) Election results are ascertained publicly in a rural municipality or city electoral committee. [RT I 2008, 53, 293 – entry into force 17.12.2008]

## **Chapter 9**

# **SPECIAL RULES FOR SUPPLEMENTARY COUNCIL ELECTIONS**

### **§ 57. Special rules for supplementary elections**

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

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

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

(4) No new rural municipality or city electoral committee or new voting district committees are formed for supplementary elections.

(5) In the event of supplementary elections, at least 15 days in total must be provided for the nomination and registration of candidates.

(6) Where there are not enough funds in the budget of a rural municipality or city to prepare and hold supplementary elections, the expenditure relating to the elections is covered from the state budget at the request of and to the extent indicated by the minister or governmental authority in charge of the policy sector. An allocation received from the state budget in order to hold supplementary elections is withheld from the budget of the following year of the corresponding rural municipality or city. The Government of the Republic has the right to reduce the repayable amount or to exempt the rural municipality or city from the repayment obligation. [RT I, 04.07.2017, 1 – entry into force 01.01.2018]

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

## **Chapter 9<sup>1</sup>**

# **SPECIAL RULES FOR ELECTIONS OF COUNCIL OF NEW LOCAL AUTHORITY DURING PERIOD BETWEEN REGULAR ELECTIONS**

## **§ 57<sup>1</sup>. Special rules for elections of council of new local authority held during period between regular elections**

(1) In the event provided in subsection 2 of § 4 of this Act, the elections of the council of a new local authority are held in accordance with this Act, taking into account the special rules provided in this Chapter.  
[RT I 2006, 32, 244 – entry into force 17.07.2006]

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

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

(4) A rural municipality or city electoral committee establishes, by a resolution and with the approval of the State Electoral Office, the time limits for acts regarding elections and publishes them within three days after the day when the elections are declared.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

(5) In the event of elections of the council of a new local authority, at least 25 days in total must be provided for the nomination and registration of candidates.  
[RT I 2006, 32, 244 – entry into force 17.07.2006]

(6) The provisions of §§ 47, 48 and Chapter 7<sup>1</sup> of this Act do not apply to the elections of the council of a new local authority. Advance voting held outside the electoral district of residence at the location of voters (§ 49) and voting in penal institutions, hospitals and 24-hour social welfare institutions (§ 51) is organised only within the territory of the merging local authority. A rural municipality or city government designates a voting district committee which organises voting at the location of voters or in penal institutions, hospitals and 24-hour social welfare institutions.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

## **Chapter 10 ELECTION EXPENDITURE**

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

(1) The expenditure of a rural municipality or city government, rural municipality and city electoral committee, rural municipality and city secretary and voting district committee is covered from the rural municipality or city budget.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) The expenditure of the State Electoral Office is covered from the state budget.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

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

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

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

**§ 59.–§ 61.**[Repealed – RT I, 10.12.2010, 1 – entry into force 01.04.2011]

## **Chapter 11 NOTICES AND COMPLAINTS**

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

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

(1) A person who finds that 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]

### **§ 63. Definition of complaint**

For the purposes of this Act, a complaint means a request completed in accordance with the requirements of this Act which is filed with the National Electoral Committee for the review and annulment of a resolution of a rural municipality or city electoral committee or for an act of the elections manager or a rural municipality or city electoral committee to be declared unlawful, and a complaint or an appeal filed with the Supreme Court pursuant to the procedure provided in § 66<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]

### **§ 64. Right to file complaint**

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

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

### **§ 65. 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 data on the contested resolution or description of the contested act;

4) the reasons why the complainant finds that the contested resolution or act infringes their rights;

5) the reasons why the complainant finds that the contested resolution or act is not lawful;

6) how and when the complainant became aware of the contested resolution or act;

7) a request for restoration of the term for filing a complaint and the reasons why the term was allowed to expire, 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 filed by a political party or election coalition is signed by the authorised representative of the political party or election coalition.

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

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

- (1) A complaint is to be filed with the National Electoral Committee within three days after:
- 1) adoption of the contested resolution or performance of the contested act, or
  - 2) review of a notice provided in § 62 of this Act.
- (2) The National Electoral Committee is to review the 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]

#### **§ 66<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 a rural municipality or city electoral committee or 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 or a complaint or appeal against a resolution or act of a rural municipality or city electoral committee or the National Electoral Committee may be filed with the Supreme Court after adjudication of the matter in the National Electoral Committee.
- (3) A complaint against an act of the elections manager or a complaint or appeal against a resolution or act of a rural municipality or city electoral committee or the National Electoral Committee is filed with the Supreme Court through 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]

#### **§ 67. 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, electoral district, rural municipality or city invalid, the National Electoral Committee determines a new election day, and a repeat vote is held in the respective voting district, electoral district, rural municipality or city. The election results are determined after the results of the repeat vote become clear.
- (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 §§ 46–51 and Chapter 7<sup>1</sup> of this Act do not apply to a repeat vote.  
[RT I, 06.05.2016, 1 – entry into force 01.01.2017]

## **Chapter 11<sup>1</sup> LIABILITY**

[RT I 2002, 63, 387 - entry into force 01.09.2002]

#### **§ 67<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]

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

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

### **§ 67<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.

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

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

(3) 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 12 FINAL PROVISIONS**

### **§ 68. Registration of council members and commencement of their term of authority**

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

(2) In the event prescribed in § 67 of this Act, the rural municipality or city electoral committee registers, by a resolution, the elected council members 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 and the term of authority of a council member commences on the day following the publication of the resolution of the rural municipality or city electoral committee set out in subsection 1 or 2 of this section.

(3<sup>1</sup>) 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 council member, they must notify the rural municipality or city electoral committee within three working days after the day of declaration of election results, whether they wish to participate in the work of the municipal council or continue in their current office and decline the mandate.

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

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

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

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

### **§ 69. Registration of alternate council members**

(1) The rural municipality or city electoral committee registers the alternate council members by a resolution. The rural municipality or city electoral committee forwards the resolution to the chair of the council.

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

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

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

(4) Unelected candidates are registered as alternate members for candidates who were elected on the basis of compensation mandates in the order specified in the city list of the political party or election coalition.  
[RT I 2008, 53, 293 – entry into force 17.12.2008]

#### **§ 70. Registration of additional mandates**

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

(2) The table of comparative figures sets out the comparative figures obtained for political parties or election coalitions in size order, starting from the comparative figure which was the first not to be taken into account upon distribution of the list mandates (subsection 5 of § 56) or upon distribution of compensation mandates in Tallinn (subsection 5 of § 56<sup>1</sup>).  
[RT I, 21.06.2016, 1 – entry into force 01.07.2016]

(3) Where at least two comparative figures are equal, the comparative figure of the political party or election coalition which received more votes from voters receives a higher ranking. Where the number of votes cast to political parties or election coalitions is equal, the political party or election coalition whose candidates were positioned further towards the bottom in the consolidated list of candidates receives a higher ranking.  
[RT I 2005, 47, 387 – entry into force 18.09.2005]

#### **§ 70<sup>1</sup>. [Repealed – RT III 2005, 13, 128 – entry into force 19.04.2005]**

#### **§ 70<sup>2</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) A rural municipality or city secretary 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 government organises 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]

#### **§ 70<sup>3</sup>. Special rules for performance of acts regarding elections in course of alteration of administrative-territorial organisation initiated by Government of the Republic upon implementation of administrative reform**

(1) The acts regarding elections required for alteration of administrative-territorial organisation initiated by the Government of the Republic are performed pursuant to the procedure provided in this Act, the Administrative Reform Act and the Territory of Estonia Administrative Division Act, taking account of the special rules provided in this section.

(2) Unless the local authorities have performed the acts regarding elections or adopted the relevant resolutions not later than by 15 June 2017 or unless these resolutions are identical, the acts regarding elections are performed not later than by 19 July 2017 as follows:

1) the number of the council members of a local authority to be formed upon merger is approved by the relevant county governor according to the number of members of the next council prescribed in the second sentence of subsection 1 and in subsection 2 of § 7 of this Act in such way that the minimum number of the council members provided in subsection 2 of § 7 corresponding to the number of residents of the local authority to be formed as a result of the merger is determined to be the number of the council members;

2) based on the provisions of subsection 5 of § 8 of this Act, the relevant county governor forms one electoral district in the territory of a new rural municipality or city to be formed upon merger, unless the alteration of administrative-territorial organisation initiated by the Government of the Republic comprises local authorities

which have agreed, in the course of alteration of administrative-territorial organisation initiated by the municipal councils, on the formation of more than one electoral district;

3) the relevant county governor forms voting districts in the territory of a new rural municipality or city to be formed upon merger based on the voting districts formed in the rural municipalities or cities to be merged for the previous elections according to the valid regulations of the municipal administrations of the rural municipalities or cities to be merged regarding the formation of voting districts and the provisions of § 22 of this Act;

4) the relevant county governor appoints, based on the electoral committees formed by the councils of the local authorities to be merged, the members and up to two alternate members of the electoral committee of a rural municipality or city to be formed upon merger, pursuant to the provisions of subsection 1 of § 14 and subsection 2 of § 17 of this Act, and specifies the location of the electoral committee.

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

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

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

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

(7) The expenditure of a rural municipality or city electoral committee and voting district committee related to the organisation of elections is covered pursuant to the procedure established on the basis of subsection 3 of § 58 of the State Budget Act.

(8) The provisions of subsections 2–C0#3F4 of this section apply also to the alteration of administrative-territorial organisation of the rural municipalities and cities at the initiative of the municipal council specified in Chapter 2 of the Administrative Reform Act, unless local authorities have performed the acts regarding elections or adopted the relevant resolutions by the date specified in subsection 2 of this section or unless these resolutions are identical.

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

§ 71.–§ 73.[Omitted from this text.]

#### **§ 74. Entry into force of Act**

(1) This Act enters into force on the 10th day after the publication of this Act in the *Riigi Teataja*.

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

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

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

(4) The provisions of subsections 1 and 5 of § 5, subsections 1 and 2 of § 14, clause 3 of subsection 4 of § 17, § 25, subsection 1 and clause 4 of subsection 3 of § 31<sup>1</sup> concerning citizens of the European Union enter into force upon Estonia's accession to the European Union.

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

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