

| | |
|------------------------|------------|
| Issuer: | Riigikogu |
| Type: | act |
| In force from: | 20.01.2014 |
| In force until: | 20.07.2014 |
| Translation published: | 29.01.2014 |

European Parliament Election Act¹

Passed 18.12.2002
 RT I 2003, 4, 22
 Entry into force 23.01.2003

Amended by the following acts

| Passed | Published | Entry into force |
|------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18.12.2003 | RT I 2003, 90, 601 | 01.01.2004 |
| 21.01.2004 | RT I 2004, 6, 32 | 14.02.2004 |
| 09.03.2004 | RT I 2004, 14, 93 | 25.03.2004 |
| 14.04.2004 | RT I 2004, 30, 208 | 01.05.2004 |
| 22.09.2004 | RT I 2004, 71, 501 | 29.10.2004 |
| 29.09.2004 | RT I 2004, 71, 503 | 29.10.2004 |
| 09.06.2005 | RT I 2005, 37, 281 | 10.07.2005 |
| 07.06.2006 | RT I 2006, 30, 231 | 14.07.2006 |
| 16.11.2006 | RT I 2006, 55, 408 | 23.12.2006 |
| 11.12.2008 | RT I 2009, 2, 5 | 16.01.2009, partially 01.01.2011 |
| 22.01.2009 | RT I 2009, 12, 70 | 14.07.2009 |
| 06.05.2009 | RT I 2009, 27, 165 | 01.01.2010 |
| 20.05.2009 | RT I 2009, 29, 175 | 01.07.2009 |
| 26.11.2009 | RT I 2009, 62, 405 | 01.01.2010 |
| 10.02.2010 | RT I 2010, 10, 42 | 15.03.2010, partially 01.01.2011 |
| 22.04.2010 | RT I 2010, 22, 108 | 01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 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, 10.07.2012, 3 | 01.04.2013 |
| 17.10.2012 | RT I, 01.11.2012, 1 | 11.11.2012 |
| 18.12.2013 | RT I, 10.01.2014, 1 | 20.01.2014, partially 01.01.2015 |

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application

This Act regulates the election of Members of the European Parliament in Estonia.

§ 2. Bases of election system

- (1) In Estonia, six Members of the European Parliament shall be elected.
- (2) Elections to the European Parliament shall be free, general, uniform and direct. Voting shall be secret.
- (3) Each voter shall have one vote.
- (4) Election results shall be determined based on the principle of proportionality.

§ 3. Time of elections to European Parliament

- (1) Members of the European Parliament shall be elected for a term of five years.
- (2) Elections to the European Parliament shall be held on a date falling within the period determined by the Council of the European Union. The elections shall be held on a Sunday.
- (3) Elections to the European Parliament shall be declared by the President of the Republic by a resolution not later than three months before election day.

§ 4. Right to vote and stand as candidate

- (1) Estonian citizens who have attained 18 years of age by election day shall have the right to vote.
- (2) A citizen of the European Union who is not an Estonian national (hereinafter *citizen of the European Union*) shall have the right to vote if:
 - 1) he or she has attained 18 years of age by election day;
 - 2) his or her permanent residence is in Estonia, i.e. the address details of his or her residence have been entered in the Estonian population register (hereinafter *population register*);
 - 3) he or she has not been deprived of the right to vote in his or her home Member State.
- (3) A person shall not have the right to vote if:
 - 1) he or she is divested of the active legal capacity with regard to the right to vote;
 - 2) he or she has been convicted of a crime by a court and is serving sentence in a penal institution.
- (4) Estonian citizens who have attained 21 years of age by election day shall have the right to stand as candidates.
- (5) A citizen of the European Union shall have the right to stand as a candidate if:
 - 1) he or she has attained at least 21 years of age by election day;
 - 2) his or her permanent residence is in Estonia, i.e. the address details of his or her residence have been entered in the population register;
 - 3) he or she has not been deprived of the right to stand as a candidate in his or her home Member State.[RT I, 10.01.2014, 1 - entry into force 20.01.2014]
- (6) The following persons shall not stand as candidates for the European Parliament:
 - 1) a person who has been divested of his or her active legal capacity with regard to the right to vote;
 - 2) a person who has been convicted of a crime by a court and is serving sentence in a penal institution;
 - 3) a person in active service in the Defence Forces.[RT I, 10.07.2012, 3 - entry into force 01.04.2013]
- (7) A person may vote or stand as a candidate only in one Member State of the European Union in the same elections to the European Parliament.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

Chapter 2 CAMPAIGNING

§ 5. Restriction on election campaigning

- (1) Active election campaigning is prohibited on election day.
- (2) Election campaigning is prohibited in polling places and premises through which voters enter polling places.
- (3) The time of active election campaigning is deemed to be the time as of the last day for the registration of candidates.
[RT I 2005, 37, 281 - entry into force 10.07.2005]

§ 5¹. Prohibition of political outdoor advertising

Advertising of independent candidates, political parties or persons who stand as candidates in the list of a political party, or their logo or other distinctive mark or programme on a building, civil engineering works, inner or outer side of public transport vehicles or taxis, and other political outdoor advertising shall be prohibited during the active campaigning.

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

Chapter 3 Electoral districts and voting districts

§ 6. Electoral district

Elections to the European Parliament are held in one national electoral district.

§ 7. Formation of voting districts

(1) In order to hold voting, voting districts shall be formed within the territory of a local government.

(2) Voting districts shall be formed by a regulation of the rural municipality or city government, which shall set out:

- 1) the numeration of the voting districts;
- 2) the boundaries of the voting districts;
- 3) the locations of polling places;
- 4) at least one voting district where voters can vote outside the voting district of their residence (subsection 40 (2));
- 5) a voting district where voters can vote if the information on their residence in the rural municipality or city is entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district.

(3) Voting districts are permanent. Voting shall be held in the same voting districts for European Parliament, Riigikogu, local government council elections and referendums, unless the rural municipality or city government determines otherwise and amends the regulation specified in subsection (2) of this section.

(4) A rural municipality or city government may amend the regulation specified in subsection (2) of this section not later than on the fiftieth day before election day or in extraordinary cases after the specified due date. The rural municipality or city government shall promptly notify the National Electoral Committee and the chief processor of the population register of any such amendments.

(5) A rural municipality or city government shall make the information specified in subsection (2) of this section public before the elections.

(6) A county electoral committee shall make the information specified in subsection (2) of this section public during the week before the start of advance voting.

Chapter 4 ELECTORAL COMMITTEES

§ 8. Types of electoral committees

(1) The elections to the European Parliament are organised by the following electoral committees:

- 1) the National Electoral Committee;
- 2) county electoral committees;
- 3) voting district committees;
- 4) the Electronic Voting Committee.

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

(2) In Tallinn and the city of Tartu, the functions of the county electoral committees shall be performed by the city electoral committee.

§ 9. Term of authority of electoral committee

(1) The term of authority and the procedure for formation of the National Electoral Committee, the Electronic Voting Committee, county electoral committees and the electoral committees of the cities of Tallinn and Tartu is prescribed in the Riigikogu Election Act.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(2) Voting district committees shall be formed before European Parliament elections. The authority of a voting district committee shall continue until the new membership of the committee is appointed.

§ 10. Member of electoral committee

(1) A person who has the right to vote according to subsections 4 (1)-(3) of this Act and whose authority of a member of an electoral committee has not been terminated in the course of the last five years by a resolution of the National Electoral Committee may be a member of an electoral committee. Members of a voting district committee must be proficient in Estonian.

(2) The provisions of subsections 11 (2)-(4), (6) and (9) of the Riigikogu Election Act apply to members of voting district committees.

(3) The authority of a member of an electoral committee shall be suspended if he or she:

- 1) becomes an authorised representative of a political party;
- 2) becomes an authorised representative of an independent candidate;
- 3) is presented for registration as a candidate for Member of the European Parliament.
- 4) by a Resolution of a county electoral committee or the National Electoral Committee.

(4) The authority of a member of an electoral committee shall be restored:

- 1) in the cases prescribed in clauses (3) 1) and 2) of this section, as of the date when the election results are announced;
- 2) in the case prescribed in clause (3) 3) of this section, as of the date following the date when the candidate is not registered or declines to stand as a candidate or as of the date when the election results are announced if the candidate is not elected.

(5) A member of an electoral committee shall not campaign for or against political parties or candidates.

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

§ 11. Working procedures of electoral committee

The work of electoral committees shall be organised pursuant to the provisions of § 12 of the Riigikogu Election Act.

§ 12. Assistance to electoral committee

Assistance to electoral committees shall be provided pursuant to the provisions of § 13 of the Riigikogu Election Act.

§ 13. Competence of National Electoral Committee

(1) The function of the National Electoral Committee is to ascertain the voting results and election results across the whole country, to ensure the uniformity of the conduct of European Parliament elections, to instruct other electoral committees, to exercise supervision over their activities and to perform other functions arising from law.

(2) The National Electoral Committee has the right:

- 1) to suspend or terminate the authority of a member of a voting district committee, the Electronic Voting Committee or a county electoral committee if he or she violates the European Parliament Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 2) to issue precepts for the elimination of deficiencies of an act of a county electoral committee, the Electronic Voting Committee or voting district committee or a resolution of a county electoral committee;
- 3) to suspend an act of a county electoral committee, the Electronic Voting Committee or voting district committee or the validity of a resolution of a county electoral committee;
- 4) to repeal a resolution of a county electoral committee or to declare an act of a voting district committee, the Electronic Voting Committee or a county electoral committee unlawful and to issue a precept to the voting district committee, Electronic Voting Committee or county electoral committee for elimination of the violation;
- 5) not to start electronic voting or to terminate electronic voting if the security or reliability of the electronic voting system cannot be insured in such way that electronic voting could be conducted pursuant to the requirements of this Act;
- 6) to repeal, in case of suspension or termination of electronic voting, the votes given by electronic means in full or partially;
- 7) to declare the voting results in a voting district, an electoral district, a county, Tallinn or the city of Tartu invalid or to declare the electronic voting results invalid in full or partially and to hold a repeat vote if the violation significantly affected or could have significantly affected the voting results.

(3) The National Electoral Committee shall issue regulations in the cases prescribed in subsection (4) of this section. The Chairman shall sign the regulations of the National Electoral Committee. Regulations enter into force on the third day after publication in the *Riigi Teataja*.

(4) The National Electoral Committee shall establish the following by a regulation:

- 1) the procedure for the presentation of candidates for registration and for the registration of candidates;
- 2) the standard format of applications for the registration of candidates, the standard format of the lists of candidates, the standard format of applications to stand as a candidate and the standard format of the personal data forms of candidates;
- 3) the standard format of the notices of the right to vote sent to citizens of the European Union;
- 4) the standard format of lists of voters;
- 5) the procedure for voting in foreign states;
- 6) the procedure for the holding of voting and ascertaining of voting results and election results;
- 7) the standard format of ballot papers;
- 8) the standard format of the records of voting results and election results;
- 9) the status of observer;
- 10) the procedure for the use of money allocated for the organisation of elections.

(5) The National Electoral Committee shall adopt a resolution in order to resolve an individual issue within the competence of the National Electoral Committee. The resolution shall be signed by the Chairman of the Committee. The resolution shall enter into force upon signature thereof.

(6) Regulations, resolutions and instructions of the National Electoral Committee shall be binding on county electoral committees, the Electronic Voting Committee and voting district committees.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 14. Competence of county electoral committee

(1) The function of a county electoral committee is to ascertain the voting results in the county, to instruct voting district committees, to exercise supervision over their activities and to perform other functions arising from this Act.

(2) A county electoral committee has the right to:

- 1) suspend the authority of a member of a voting district committee if he or she violates the European Parliament Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 2) propose to the National Electoral Committee to terminate the authority of a member of a voting district committee who has violated the European Parliament Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 3) issue precepts for the elimination of deficiencies of an act of a voting district committee;
- 4) suspend an act of a voting district committee;
- 5) declare an act of a voting district committee unlawful;
- 6) make a proposal to the National Electoral Committee to declare the voting results in a voting district invalid and to hold a repeat vote in the voting district if the violation significantly affected or could have significantly affected the voting results.

(3) A county electoral committee shall adopt a resolution in order to resolve an individual issue within the competence of the county electoral committee. The resolution shall be signed by the chairman of the committee. The resolution shall enter into force upon signature thereof.

(4) Resolutions and instructions of county electoral committees shall be binding on voting district committees.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

§ 14¹. Competence of Electronic Voting Committee

The competence of the Electronic Voting Committee shall be provided for in § 17² of the Riigikogu Election Act.

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

§ 15. Formation of voting district committee

(1) A voting district committee shall be comprised of up to nine members.

(2) The local government council (hereinafter *council*) shall appoint the chairman and members of a voting district committee by a resolution on the proposal of the rural municipality or city secretary and in consideration of the principle of political balance not later than on the twentieth day before election day.

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

(4) Political parties participating in the election may present one member candidate for a voting district committee to the rural municipality or city secretary not later than on the forty-fifth day before election day.

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

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

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

(8) The council shall also appoint, on the proposal of the rural municipality or city secretary and pursuant to subsection (7) of this section, at least two alternate members who, during the term of authority of the committee and in the order specified by the council, shall replace the members of the committee whose authority is suspended or terminates.

(9) A voting district committee shall elect a deputy chairman of the committee from among its members.

(10) Operational and clerical support shall be provided to a voting district committee by the rural municipality or city government.

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

§ 16. Competence of voting district committee

The functions of a voting district committee are to hold voting and ascertain voting results in the voting district and perform other functions arising from this Act.

Chapter 5 REGISTRATION OF VOTERS

§ 17. Registration of voters

(1) Voters shall be registered in the population register.

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

(3) Voters shall be registered on the basis of the following information entered in the population register:

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

§ 18. Notification of citizens of European Union of right to vote in European Parliament elections

(1) Not later than on the seventieth day before election day, the chief processor of the population register shall organise the preparation of notices and their sending to citizens of the European Union who, pursuant to subsections 4 (2) and (3) of this Act, have the right to participate in voting.

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

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

§ 19. Voter's card

(1) The chief processor of the population register shall organise the preparation of voter's cards and their sending to voters not later than on the twentieth day before election day. A voter's card shall not be sent to a voter if the information on his or her residence is entered in the population register on the initiative of a local government to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district.

(2) The following shall be entered in the voter's card:

- 1) given name and surname of voter;
- 2) year of birth of voter;
- 3) residential address of voter;
- 4) name of rural municipality or city and number of voting district where voter is entered in list of voters;
- 5) time and place of voting on advance voting days and on election day.

(3) A voter who has not received a voter's card on the fifteenth day before election day or whose voter's card contains incorrect information may file an application with the rural municipality or city secretary for clarification to be given or errors to be corrected. The rural municipality or city secretary shall promptly review the application together with the person who prepared the voter's card and shall respond to the application in writing within three working days as of receiving the application.

§ 20. List of voters

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

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

(2) The basis for the preparation of the lists of voters shall be the information prescribed in subsection 17 (3) of this Act, as at the thirtieth day before election day. Upon preparation of the list of voters, any amendments made to the information specified in clauses 17 (3) 1)-5) of this Act after the thirtieth day before election day shall also be taken into account. Amendments made to the residential address details after the thirtieth day before election day shall not be taken into account.

(3) A person shall not be entered in the list of voters if:

- 1) pursuant to information held in the punishment register, the person has been convicted of a criminal offence by a court and, as at the thirtieth day before election day, is serving a prison sentence until election day;
- 2) according to a notice from the competent administrative authorities of a Member State of the European Union, the person has expressed his or her wish to exercise his or her right to vote in another Member State of the European Union;
- 3) the person is a citizen of the European Union and has not submitted an application to be entered in the list of voters or has submitted a request to be removed from the list.

(4) A voter shall be entered in the list of voters of the voting district in the territory of which his or her residence, as entered in the population register, is located on the thirtieth day before election day. If the information on the residence of a voter is entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, the voter shall be entered in the list of voters of a voting district determined pursuant to clause 7 (2) 5) of this Act.

(5) The following information on each voter shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address.

(6) Voters shall be entered in the list of voters in alphabetical order according to their surname.

(7) The person who prepares the list of voters shall sign the list of voters not later than on the seventh day before election day and the chairman of the voting district committee shall sign the list of voters on election day after the close of voting. The chairman of the Electronic Voting Committee shall sign the list of voters who voted using electronic means after the close of voting.

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

(8) [Repealed - RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 21. Procedure for entry of citizens of European Union in list of voters

(1) A citizen of the European Union who, pursuant to subsections 4 (2) and (3) of this Act, has the right to participate in the voting and who wishes to exercise the said right shall submit an application to be entered in the list of voters to the chief processor of the population register not later than on the thirtieth day before election day. The person shall append a copy of the page of his or her identity document containing personal data to the application.

(2) In the application, the person shall state:

- 1) his or her nationality;
- 2) the address of his or her residence in Estonia;

- 3) the local government or electoral district in his or her home Member State in the electoral register of which his or her name was last entered, if such data are available;
- 4) that the person wishes to exercise his or her right to vote in Estonia only;
- 5) that he or she has not been deprived of the right to vote in his or her home Member State.

(3) The chief processor of the population register shall enter a person in the list of voters pursuant to the procedure prescribed in § 20 of this Act and inform the competent administrative authorities of the person's home Member State thereof and inform the person of being entered or not being entered in the list of voters.

(4) In the next elections to the European Parliament, a person who has been entered in the list of voters pursuant to the provisions of this section shall be entered in the list of voters without him or her having to submit another application, if the person:

- 1) has the right to participate in the voting according to subsections 4 (2) and (3) of this Act;
- 2) has had a permanent residence in Estonia, which is entered in the population register, during the entire period of time between the elections.

§ 22. Restrictions on access to lists of voters

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

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

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

(1) If a voter finds that information entered in the list of voters concerning himself or herself contains errors, he or she shall submit an application for correction of the errors to the voting district committee which shall promptly forward it to the rural municipality or city secretary.

(2) The rural municipality or city secretary shall promptly review the application together with the person who prepared the list of voters and shall respond to the applicant in writing within three working days as of the date of receipt thereof and inform the voting district committee of the results of the review.

(3) The voting district committee shall correct the error in the list of voters on the basis of a notice issued by the rural municipality or city secretary.

(4) If it is clear from the documents submitted to a voting district committee that the information entered in the list of voters contains errors, the voting district committee may correct the errors. The rural municipality or city secretary shall be promptly informed of the correction of errors.

§ 24. Making amendments to list of voters

(1) The list of voters shall be amended only if:

- 1) a person who has not been entered in any list of voters but who has the right to participate in voting pursuant to this Act is to be entered in the list;
- 2) a person who does not have the right to participate in the voting shall be deleted from the list.
- 3) a person who, according to a notice from the competent administrative authorities of another Member State of the European Union, has been entered in the list of voters or electoral register of that Member State shall be deleted from the list of voters.

(2) In order to amend the list of voters, a person shall submit an application to be entered in the population register or an application for the amendment of register information which is the basis for the registration of voters to a rural municipality or city secretary. The rural municipality or city secretary shall review the application together with the person who prepared the list of voters and shall promptly respond to the person.

(3) If a person is entered in the population register or if register information which is the basis for the registration of voters is amended such that this brings about the entry of the person in the list of voters, the rural municipality or city secretary shall promptly notify the voting district committee thereof.

(4) A voting district committee shall make amendments to the list of voters on the basis of a notice issued by the rural municipality or city secretary.

(5) If a rural municipality or city secretary denies an application specified in subsection (2) of this section, the applicant may file an action with an administrative court of his or her residence against the act of the rural municipality or city secretary. A complaint shall be filed with the rural municipality or city secretary who shall forward the complaint to the administrative court of his or her location together with a written explanation within twenty-four hours.

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

(7) The administrative court shall make one of the following judgments:

- 1) to dismiss the complaint;
- 2) to satisfy the complaint and issue a precept to the rural municipality or city secretary to arrange that the person's data be entered in the population register or to amend the register information which is the basis for the registration of voters.

(8) If the administrative court grants a complaint, the person's data shall be promptly entered in the population register or the information pertaining to him or her shall be amended and the voting district committee shall be promptly notified thereof.

(9) If a citizen of the European Union is deleted from the list of voters, the chief processor of the population register shall notify thereof the competent administrative authorities of the person's home Member State.

Chapter 6

NOMINATION AND REGISTRATION OF CANDIDATES

§ 25. Political party

(1) Political parties which are entered in the non-profit associations and foundations register on the last day for the nomination of candidates may participate in European Parliament elections.

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

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

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

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

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

§ 26. Independent candidate

Any person who is entitled to stand as a candidate may present himself or herself for registration as an independent candidate and perform the acts necessary for registration. A person who has the right to vote pursuant to subsections 4 (1)-(3) of this Act may nominate another person as an independent candidate and perform the acts necessary for his or her registration on the basis of a corresponding authorisation document.

§ 27. Documents for standing as candidate

(1) The following are documents for standing as candidate:

- 1) application to stand as a candidate;
- 2) personal data form of the candidate.

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

- 1) express his or her desire to stand as a candidate in the list of a political party or to stand as an independent candidate;
- 2) confirm that he or she complies with the requirements for candidates for Member of the European Parliament set out in this Act;
- 3) confirm that he or she is not standing as a candidate for election as a Member of the European Parliament in any other Member State.

(2¹) A citizen of the European Union shall declare in an application to stand as a candidate that he or she has not been deprived of the right to stand as a candidate in his or her home Member State. [RT I, 10.01.2014, 1 - entry into force 20.01.2014]

(3) The following information shall be entered on the personal data form of a candidate:

- 1) given name and surname;
- 2) personal identification code;
- 3) membership of a political party;
- 4) residential address;
- 5) telecommunications numbers.

(4) A citizen of the European Union shall also enter the following data in the personal data form of a candidate:

1) information on citizenship;

1¹) date and place of birth;

[RT I, 10.01.2014, 1 - entry into force 20.01.2014]

1²) last residential address in home Member State;

[RT I, 10.01.2014, 1 - entry into force 20.01.2014]

2) information on the local government or electoral district in his or her home Member State in the electoral register in which his or her name was last entered.

(5) The following information may be entered on the personal data form of a candidate:

1) place of birth;

2) education, area of specialisation, name of educational institution and time of graduation;

3) academic degree;

4) place of employment;

5) position.

(6) [Repealed - RT I, 10.01.2014, 1 - entry into force 20.01.2014]

(7) The National Electoral Committee shall not disclose the personal identification code, residential address or telecommunications numbers of a candidate.

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

(9) The National Electoral Committee shall promptly give notice of the submission of an application to stand as a candidate by a citizen of the European Union to the competent administrative authority of the home Member State from whom the National Electoral Committee shall receive the information concerning the existence of the person's right to stand as a candidate in his or her home Member State.

[RT I, 10.01.2014, 1 - entry into force 20.01.2014]

§ 28. List of candidates

(1) A political party shall prepare a list of candidates.

(2) A list of candidates may include up to twelve candidates.

(3) A person can stand as a candidate in the list of candidates of one political party only. A person who is nominated as an independent candidate or who is a member of another political party registered in Estonia shall not stand in a list of candidates.

(4) A political party may submit only one list of candidates for registration.

(5) The order of candidates in the list shall be specified by the political party.

(6) A list of candidates shall be signed by all authorised representatives of the political party.

§ 29. Nomination of candidates

(1) The nomination of candidates shall begin on the sixtieth day before election day. A political party may present its candidates after the submission of the notice specified in subsection 25 (4) of this Act.

(2) The nomination of candidates shall end on the forty-fifth day before election day at 6 p.m.

(3) In order to register candidates, a political party shall submit the following to the National Electoral Committee:

1) an application for the registration of candidates;

2) a list of candidates;

3) a copy of the payment order certifying the payment of security;

4) the candidate documents of each candidate (subsections 27 (1) and (6)).

(4) An independent candidate shall submit the following to the National Electoral Committee:

1) an application for the registration of the candidate;

2) a copy of the payment order certifying the payment of security;

3) the candidate documents (subsections 27 (1) and (6)).

(5) Before nominating candidates, a political party or an independent candidate shall deposit an amount, the size of which is equal to five minimum salary rates as established by the Government of the Republic, for each person nominated, in the bank account of the National Electoral Committee as the security.

§ 30. Acceptance and return of documents

(1) The National Electoral Committee shall maintain records concerning the nomination of candidates.

(2) The registration documents of candidates shall be delivered by an authorised representative of the political party. The registration documents of an independent candidate shall be delivered by the independent candidate or his or her authorised representative.

(3) If not all the required documents are submitted to the National Electoral Committee or if the documents contain errors or omissions or they are not in conformity with the standard format established by the National Electoral Committee, the person who accepts documents shall propose to the person who submits the documents that the required documents or information be submitted, that documents conforming with the standard format be submitted or that the errors be corrected. All the documents submitted shall be returned.

(4) If a political party or an independent candidate wishes to make amendments to the registration documents of candidates, the National Electoral Committee shall return all the documents submitted and, upon re-submission thereof, the documents shall be deemed to have been submitted for the first time.

(5) If a candidate is deleted from the list of nominated candidates on the basis of a personal application, the National Electoral Committee shall return the candidate documents to him or her and inform an authorised representative of the political party or independent candidate thereof. The political party is not required to submit the registration documents of candidates again.

(6) If a political party or an independent candidate submits documents before 6 p.m. on the forty-fifth day before election day and it becomes evident that not all the required documents have been submitted, that the documents contain omissions or are not in conformity with the standard format established by the National Electoral Committee, or that the documents submitted contain errors which cannot be corrected immediately, the documents shall be accepted. The person who accepts the documents shall propose to the person submitting the documents that the missing documents or information be submitted, that documents conforming with the standard format established by the National Electoral Committee be submitted or that the errors be corrected. In such case, the political party or independent candidate shall perform the required acts not later than before 6 p.m. on the forty-third day before election day.

§ 31. Registration of candidates

(1) The National Electoral Committee shall, after expiry of the term for the nomination of candidates but not later than on the fortieth day before election day, register all persons nominated in accordance with the requirements of this Act in the order of their nomination.

(2) Each candidate shall be assigned a registration number. Registration numbers shall begin at 101 and shall be assigned to the candidates according to the lists of political parties. Independent candidates shall be assigned registration numbers after the candidates of political parties have been assigned numbers. The sequence of assigning numbers between political parties and independent candidates shall be determined by drawing lots. [RT I 2010, 10, 42 - entry into force 15.03.2010]

(3) If, within the term specified in subsection 30 (6) of this Act, a political party or an independent candidate fails to perform the acts required by the National Electoral Committee, the National Electoral Committee shall not register:

- 1) any of the candidates nominated by the political party if documents specified in clauses 29 (3) 1), 2) or 3) of this Act are missing or if the documents contain errors or are not in conformity with the standard format;
- 2) a candidate if documents or information concerning him or her are missing or if their documents contain errors or are not in conformity with the standard format.

(4) The National Electoral Committee shall adopt a reasoned resolution on failure to register a candidate.

(5) The National Electoral Committee shall revoke a resolution to register a candidate if:

- 1) the candidate declines to stand as a candidate on the basis of a written application which may be submitted by him or her within three days after registration;
- 2) the candidate dies;
- 3) it is established that the candidate does not comply with the requirements prescribed in subsections 4 (4)–(7) of this Act.

(6) The National Electoral Committee shall register a person who was not registered previously after the term specified in subsection (1) of this section if the Committee finds that the person complies with the requirements prescribed in subsections 4 (4)–(7) of this Act or if the resolution of the National Electoral Committee not to register the candidate is revoked by a judgment of the Supreme Court.

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

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

§ 32. Consolidated list of candidates

(1) After the registration of candidates, the National Electoral Committee shall prepare a consolidated list of candidates.

(2) Candidates shall be entered in the consolidated list of candidates by the lists of candidates of political parties in the order of the registration numbers. The name of the political party which submitted the list shall be indicated at the top of the list of candidates. Independent candidates shall be entered in the consolidated list of candidates in the order of the registration numbers after the lists of candidates of political parties.
[RT I 2010, 10, 42 - entry into force 15.03.2010]

(3) The registration number and name of each candidate shall be set out in the consolidated list of candidates. If several candidates with the same name stand as candidates, their dates of birth shall also be set out in the consolidated list.
[RT I 2010, 10, 42 - entry into force 15.03.2010]

(4) The National Electoral Committee shall inform the electoral committees, foreign missions organising voting in foreign states and masters of ships of all corrections and amendments to consolidated lists of candidates, and they shall make the corresponding corrections or amendments to the consolidated lists of candidates in the electoral districts. The consolidated lists of candidates shall not be amended after the thirteenth day before election day.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 32¹. Certification of right to stand as candidate of Estonian citizens when standing as candidates in Member States of European Union

The National Electoral Committee shall forward to the competent administrative authority of the residence within five working days as of the receipt of a relevant notice the information pursuant to Article 6 (1) of Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34–38), amended by Directive 2013/1/EC (OJ L 26, 26.01.2013, p. 27–29).
[RT I, 10.01.2014, 1 - entry into force 20.01.2014]

Chapter 7 VOTING PROCEDURE

§ 33. Polling place

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

(2) A polling place shall have places for the distribution of ballot papers, voting booths and a ballot box. In a voting district where voting outside the voting districts of voters' residences is held, the polling place shall have, during advance voting, a separate voting booth and ballot box for the voters who vote outside the voting district of their residence. The consolidated list of candidates shall be posted in the polling place.

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

§ 34. Voting booth

(1) A voting booth shall enable secret ballot.

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

§ 35. Ballot box

(1) Voting district committees shall inspect and seal ballot boxes before voting opens. Ballot boxes sealed before the start of advance voting shall be used for advance voting only.

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

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

§ 36. Ballot paper

(1) The National Electoral Committee shall establish the standard format of the ballot paper.

(2) The National Electoral Committee shall organise the preparation and delivery of ballot papers to the voting district committees.

(3) After the receipt of ballot papers, a voting district committee shall put an impression of the seal of the voting district committee on the ballot papers. The National Electoral Committee shall put an impression of the seal on ballot papers used for voting in foreign states and on board ships.

§ 37. Time of voting

(1) Voting on election day shall open at 9 a.m. and close at 8 p.m.

(2) Advance voting shall be held:

1) from the tenth day to the seventh day before election day in a voting district designated by a county electoral committee. Voting shall open at 12 a.m. and close at 8 p.m.;

2) from the sixth day to the fourth day before election day, in all voting districts. Voting shall open at 12 a.m. and close at 8 p.m.;

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

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

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

§ 38. Voting

(1) A voter shall vote in the voting district where he or she is entered in the list of voters, except in the cases prescribed in §§ 41-44 and 46 and in Chapter 7¹ and 8 of this Act.

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

(2) In order to receive a ballot paper, a voter shall present an identity document to the voting district committee. The voter shall sign the list of voters against receipt of the ballot paper.

(3) The voter shall complete the ballot paper in a voting booth.

(4) The voter shall write the registration number of the candidate for whom he or she wishes to vote in the designated space on the ballot paper.

[RT I 2010, 10, 42 - entry into force 15.03.2010]

(5) The voter shall complete the ballot paper himself or herself. If a voter, due to physical disability, is unable to complete the ballot paper himself or herself, the ballot paper may be completed, at the request and in the presence of the voter, by another voter, but not by a candidate for Member of the European Parliament.

(6) The voter shall not take the ballot paper out of the polling place. If the voter spoils the ballot paper, he or she has the right to receive another ballot paper from the voting district committee. The voter shall return the spoilt or unused ballot paper to the voting district committee.

(7) After completing the ballot paper, the voter shall fold the ballot paper and hand it to a member of the voting district committee who shall put an impression of the seal of the voting district committee on the outside of the folded ballot paper.

(8) The voter shall deposit the ballot paper in the ballot box himself or herself. If a voter, due to physical disability, is unable to deposit the ballot paper in the ballot box himself or herself, another voter may do so at his or her request in the presence of the voter.

§ 39. Advance voting

(1) Advance voting shall be held pursuant to the procedure prescribed in § 38 of this Act.

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

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

(4) A member of the voting district committee shall mark the date of voting in the list of voters concerning voters who have voted.

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

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

(1) On advance voting days (subsection 37 (2)), voters may vote outside the voting district of their residence in a voting district designated by the county electoral committee or rural municipality or city government.

(2) A voting district committee designated by the rural municipality or city government shall organise voting outside the voting district of residence on the days prescribed in clause 37 (2) 2) of this Act. The rural municipality or city government may designate a voting district committee which, in addition to advance voting, organises voting only at the location of a voter (§ 42) or only in custodial institutions (§ 44).

(3) A county electoral committee, except the Harju County Electoral Committee and the Tartu County Electoral Committee, shall designate, not later than on the forty-fifth day before election day, at least one voting district located in a county town, where voters can vote outside the voting district of their residence on the days prescribed in clause 37 (2) 1) of this Act. In Tallinn and the city of Tartu, the city electoral committee shall designate this voting district. Each county electoral committee shall publish its resolution not later than in the week preceding the beginning of advance voting.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

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

(1) A voter who wishes to vote in a polling place outside the voting district of his or her residence shall present an identity document to a member of the voting district committee and he or she shall be entered in the list of voters voting outside the voting district of their residence.

(2) A member of the voting district committee shall issue a ballot paper and two envelopes to the voter. The voter shall sign the list of voters voting outside the voting district of their residence against the receipt of a ballot paper.

(3) The voter shall complete the ballot paper pursuant to the provisions of subsections 38 (3)-(6) of this Act.

(4) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope in the other envelope given to him or her by the member of the voting district committee. The voter or the member of the voting district committee shall write the name, personal identification code and residential address of the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the voting district of their residence.

§ 42. Advance voting held outside voting district of residence at location of voter

(1) If a voter who wishes to vote outside the voting district of his or her residence is unable to vote at a polling place located in a voting district due to his or her state of health or for another good reason, he or she may, until 2 p.m. on the last day of advance voting, submit a written application to vote at his or her location to the rural municipality or city government of his or her location or to a voting district committee prescribed in subsection 40 (2) of this Act. The voting district committee shall register the application. The rural municipality or city government shall register the application and forward the application to the appropriate voting district committee.

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

(2) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 38 (4)-(6) and subsections 41 (1), (2) and (4) of this Act.

§ 43. Electronic voting

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

§ 44. Voting in custodial institutions

(1) Voting in custodial institutions shall be held on the days prescribed in clause 37 (2) 2) of this Act.

(2) The administration of a custodial institution shall submit an application for voting to be held to the voting district committee prescribed in subsection 40 (2) of this Act.

(3) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 38 (4)-(6) and subsections 41 (1), (2) and (4) of this Act.

(4) Upon ascertaining of the voting results, the votes of voters who voted at advance voting in a custodial institution shall be taken into account pursuant to the provisions of § 47 of this Act.
[RT I 2004, 6, 32 - entry into force 14.02.2004]

§ 45. Home voting

(1) If a voter is unable to vote at a polling place due to his or her state of health or for another good reason, he or she may apply to vote at home.

(2) In order to vote at home, a voter shall submit a written application to the rural municipality or city government or to the voting district committee of his or her residence by 2 p.m. on election day and the voting district committee shall register the application. If the application is submitted to the rural municipality or city government, the rural municipality or city government shall register the application and forward it to the corresponding voting district committee.

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

(2¹) A voter may submit an application to vote at home also by phone to the voting district committee of his or her residence from 9 a.m. to 2 p.m. on election day. The voting district committee shall register the application.

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

(2²) An application to vote at home shall include the following:

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

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

(2³) If the voting district committee finds that the application is unsubstantiated, the committee shall notify the applicant of the circumstances for dismissal of the application.

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

(3) Home voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 38 (1), (2), (4)–(6) and (8) of this Act.

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

§ 46. Voting in Estonia by voters residing in foreign states

(1) A voter residing in a foreign state who is entered in the list of voters permanently residing in a foreign state and who has not voted pursuant to the procedure provided for in Chapter 8 of this Act may vote during advance voting in any voting district designated pursuant to the procedure provided for in the first sentence of subsection 40 (2) or in subsection 41 (3) of this Act.

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

(2) In order to receive a ballot paper, a voter shall present an identity document to the voting district committee and he or she shall be entered in the list of voters voting outside the voting district of their residence.

(3) A member of the voting district committee shall issue a ballot paper and two envelopes to the voter. The voter shall sign the list of voters voting outside the voting district of their residence against the receipt of a ballot paper.

(4) The voter shall complete the ballot paper pursuant to the provisions of subsections 38 (3)–(6) of this Act.

(5) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope in the other envelope given to him or her by the member of the voting district committee. The voter or the member of the voting district committee shall write the name, personal identification code and residential address of the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the voting district of their residence.

(6) Upon the ascertaining of the voting results, votes cast pursuant to the procedure prescribed in subsection (1) of this section shall be taken into account pursuant to the provisions of subsections 47 (1) and (2) and subsections 54 (2)–(6) of this Act.

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

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

(2) A county electoral committee shall forward the envelopes with ballot papers specified in subsection (1) of this section to the appropriate county electoral committees through the National Electoral Committee not later than on the second day before election day.

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

(4) After receipt of the envelopes with ballot papers pursuant to the procedure prescribed in subsection (3) of this section, the voting district committee shall check that each voter is entered in the list of voters of the voting district and that he or she has not voted more than once. At least three members of a voting district committee must be present when ballot papers are checked.

(5) If a voter is not entered in the list of voters of the voting district or he or she has voted more than once outside the voting district of his or her residence, the voting district committee shall not take into account any of the ballot papers of the voter.

(6) If the voter has voted once, a member of the voting district committee shall make a notation in the list of voters concerning voting at the advance voting.

(7) After performing the acts prescribed in subsections (4)-(6) of this section, the voting district committee shall open the outer envelopes, deposit the inner envelopes with ballot papers in the ballot box used at the advance voting and seal the opening of the ballot box again.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

§ 47¹. Taking votes cast using electronic means into account

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

Chapter 7¹ ELECTRONIC VOTING

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

§ 47². Organisation of electronic voting

Electronic voting shall be organised at the time provided for in clause 37 (2) 3) of this Act and pursuant to the procedure provided for in Chapter 7¹ of the Riigikogu Election Act.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

Chapter 8 VOTING IN FOREIGN STATE

§ 48. Preparation for voting

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

(2) A consular authority led by an honorary consul of which is an Estonian citizen may be designated to organise voting by an order of the Government of the Republic. In such case, the consular authority led by the honorary consul shall perform the acts prescribed in this Chapter.
[RT I 2009, 29, 175 - entry into force 01.07.2009]

(3) Voting shall be organised by the head of a foreign mission or an official designated by him or her. In the case prescribed in subsection (2) of this section, voting shall be held by the honorary consul or a person designated by him or her. The person who holds voting must be entitled to the right to vote pursuant to subsections 4 (1) and (3) of this Act.

(4) The chief processor of the population register shall organise the forwarding of lists of voters permanently residing in foreign states to the foreign missions. The following information shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) details of residential address, if known.

(5) If the address of a voter permanently residing in a foreign state or a voter temporarily staying there is known, the foreign mission shall send a voter's card to him or her by post or electronic mail not later than on the eighty-fifth day before election day.

- (6) The following shall be entered in the voter's card:
- 1) given name and surname of voter;
 - 2) the date of birth of the voter;
 - 3) the address of the voter;
 - 4) the address of the foreign mission;
 - 5) the procedure for submitting an application to vote by post, for voting by post and for voting at the foreign mission;
 - 6) the due date for the receipt by the foreign mission of applications to vote by post;
 - 7) the due date for the receipt by the foreign mission of ballot papers sent by post;
 - 8) the time of voting at the foreign mission;
 - 9) the time of electronic voting.
- [RT I 2006, 30, 231 - entry into force 14.07.2006]

§ 49. Submission of application to vote

(1) If a voter wishes to vote by post, he or she shall send a corresponding application to the Estonian foreign mission in the country of his or her habitual residence. If Estonia does not have a foreign mission in the country of habitual residence of a voter, the voter shall send the application to the closest foreign mission of Estonia.

- (2) A voter who has been entered in the list of voters permanently residing in a foreign state shall:
- 1) append a copy of the page of his or her identity document containing personal data to the application;
 - 2) indicate in the application his or her residential address in the foreign state.

(3) A voter who has not been entered in the list of voters permanently residing in a foreign state shall:

- 1) append copies of documents which certify his or her identity and that he or she has the right to vote in accordance with subsection 4 (1) of this Act to the application;
- 2) indicate his or her residential address in the foreign state;
- 3) indicate his or her last residence in Estonia (the county, the city district in Tallinn, or the city of Tartu). If a voter permanently residing in a foreign state has not had a residence in Estonia, he or she shall indicate the last residence of his or her parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state shall indicate his or her residential address in Estonia in the application in addition to the information prescribed in clauses (2) 1) and 2) of this section.

(5) Applications shall have been received by the foreign mission not later than on the thirtieth day before election day.

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

§ 50. Sending of election documents to voter

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

- 1) a ballot paper;
- 2) the consolidated list of candidates;
- 3) two envelopes.

§ 51. Voting by post

(1) A voter shall complete a ballot paper pursuant to the provisions of this Act. The voter shall place the completed ballot paper in one of the envelopes sent by the foreign mission. The voter shall place this envelope in the other envelope sent by the foreign mission. The voter shall write his or her name and personal identification code on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope. Thereafter the voter shall send the ballot paper to the foreign mission.

(2) Ballot papers sent by post shall have been received by the foreign mission no later than by the day determined by the foreign mission, which shall be determined such that the National Electoral Committee will receive the ballot papers not later than on the fourth day before election day.

(3) A foreign mission shall prepare the list of voters who voted by post and shall forward the list to the National Electoral Committee such that the National Electoral Committee will receive the list not later than on the fourth day before election day.

(4) Upon voting by post, the expenses relating to the acts specified in subsection 49 (1) of this Act and subsection (1) of this section shall be borne by the voter.

§ 52. Electronic voting in foreign states

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

§ 53. Voting at foreign missions

(1) If a voter does not submit an application to vote by post within the term provided for in subsection 49 (5) of this Act or does not send a ballot paper to the foreign mission by the due date provided for in subsection 51 (2), he or she may vote at the foreign mission at a time determined by the foreign mission.

(2) A foreign mission shall allow voting at the mission on at least two days in the period between fifteen days and ten days before the election day.

(3) At a foreign mission, a voter shall complete a ballot paper pursuant to the provisions of this Act. Thereafter the voter shall place the completed ballot paper in an envelope. The voter shall place the envelope in another envelope. The voter or the person who holds voting shall write the name and personal identification code of the voter on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope.

(4) A voter voting at a foreign mission shall sign the list of voters voting at the foreign mission against the receipt of a ballot paper.

§ 54. Taking ballot papers into account upon ascertaining of voting results

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

(2) When the National Electoral Committee has received the envelopes with ballot papers of voters permanently residing in a foreign state, the Committee shall verify that the voters permanently residing in a foreign state have not voted several times and that the voters permanently residing in a foreign state who voted in Estonia have been entered in the list of voters permanently residing in a foreign state.

(3) If a voter permanently residing in a foreign state has voted several times with a ballot paper or if he or she has not been entered in the list of voters permanently residing in a foreign state, the National Electoral Committee shall not take into account any of the envelopes with ballot papers of the voter. If a voter has voted using electronic means as well as with a ballot paper, the ballot paper of the voter shall be taken into account. If a voter has voted several times with a ballot paper and using electronic means, all envelopes with ballot papers of the voter as well as the vote cast foreign mission shall not be taken into account.

(4) The National Electoral Committee shall designate a county electoral committee which shall ascertain the voting results of voters permanently residing in a foreign state.

(5) The National Electoral Committee shall forward the ballot papers of voters permanently residing in a foreign state to the electoral committee designated in subsection (4) of this section not later than on the second day before election day.

(6) Envelopes with the ballot papers of voters permanently residing in a foreign state shall remain in the county electoral committee and they shall be opened on election day in order to ascertain the voting results.

(7) Not later than on the day before election day, the National Electoral Committee shall forward the envelopes with the ballot papers of voters temporarily staying in a foreign state to the corresponding voting district committees where the ballots are to be taken into account when the voting results are being ascertained pursuant to the provisions of subsections 47 (4)-(7) of this Act.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

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

(1) If a ship flying the national flag of Estonia which has voters on board is located in international waters or waters of a foreign state on advance voting days or election day, the master of the ship may submit an application to the National Electoral Committee to hold voting on board the ship.

(2) The master of a ship shall organise voting on board the ship pursuant to the provisions of this Act. Voters shall vote on a ship pursuant to the provisions of subsections 38 (3)-(6) and subsection 41 (4) of this Act. Upon ascertaining of the voting results, votes cast on board a ship shall be taken into account pursuant to the provisions of subsections 54 (1) and (7) of this Act.

Chapter 9

ASCERTAINING OF VOTING RESULTS AND ELECTION RESULTS

§ 56. Time of ascertaining of voting results

The counting of votes shall begin on election day after the close of voting in Estonia. Voting results shall not be disclosed before the close of voting in all Member States of the European Union.
[RT I 2004, 30, 208 - entry into force 01.05.2004]

§ 57. Ascertaining of voting results in voting district committee

(1) If the counting of votes does not begin immediately after the close of voting, the voting district committee shall seal the ballot box.

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

(3) Before the ballot boxes are opened, the voting district committee shall ascertain, on the basis of the list of voters, the number of voters, and, on the basis of the signatures given in receipt of a ballot paper and notations made, the preliminary number of those who participated in the voting, and immediately forward them to the National Electoral Committee. Notations concerning voters who voted in the advance voting outside the voting district of their residence, using electronic means or at home made in the list of voters shall be considered. The number of voters shall be entered in a standard format record.

(4) When a ballot box is opened, the condition of the impression of the seal on the box shall be inspected. More than one-half of the members of the voting district committee shall be present at the opening.

(5) The impression of the seal of the voting district committee shall be put on the outside of ballot papers of home voters, and the ballot papers shall be placed among the ballot papers of voters who voted at the polling place.

(6) The impression of the seal of the voting district committee shall be affixed to the outside of ballot papers of voters who voted outside the voting district of their residence, and these ballot papers shall be placed together with the ballot papers of persons who voted at the advance voting among the ballot papers of persons who voted in the polling place.

(7) The voting district committee shall verify the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers and the number of votes cast for candidates and political parties, and shall enter these numbers in a standard format record.

[RT I 2010, 10, 42 - entry into force 15.03.2010]

(8) A ballot paper shall be deemed to be invalid if:

1) it does not bear two impressions of the seal of the voting district committee;
2) no candidate registration number or more than one candidate registration number has been written on the ballot paper;

[RT I 2010, 10, 42 - entry into force 15.03.2010]

3) the registration number written on the ballot paper has been corrected;
4) the registration number written on the ballot paper is illegible.

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

[RT I 2010, 10, 42 - entry into force 15.03.2010]

(10) A standard format record shall be prepared concerning the ascertaining of the voting results. The chairman of the committee shall sign the record. The date and time of preparation of the record shall be indicated in the record.

(11) After ascertaining of the voting results, valid ballot papers shall be packed by candidate and invalid ballot papers, ballot papers which were not issued to voters and spoiled ballot papers returned by voters shall be packaged in separate packets. The voting district from which the ballot papers originate and the type and number of ballot papers in the packet shall be noted on each packet. The chairman of the voting district committee shall sign the notation.

[RT I 2010, 10, 42 - entry into force 15.03.2010]

(12) Ballot papers, lists of voters, records concerning the voting results and any dissenting opinions of members of the committee shall be promptly delivered to the county electoral committee.

(13) Voting results shall be ascertained publicly in a voting district committee. Persons who are present at the counting of votes shall follow the oral orders of the members of the voting district committee. Persons who are present at the counting of votes shall not leave the room where the votes are counted or use means of communication before the close of voting in all Member States of the European Union.

§ 58. Ascertaining of voting results of voters permanently residing in foreign state

(1) The county electoral committee designated pursuant to subsection 54 (4) of this Act shall begin the counting of votes of voters permanently residing in a foreign state at the time prescribed in § 56 of this Act. At least three members of the county electoral committee shall be present at the opening of the envelopes, including the chairman or deputy chairman of the committee.

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

(3) On the basis of the ballot papers, the county electoral committee shall verify the number of voters permanently residing in a foreign state who participated in the voting, the number of invalid ballot papers and the number of votes cast for candidates and political parties. Ballot papers shall be declared invalid pursuant to the provisions of subsections 57 (8) and (9) of this Act.
[RT I 2010, 10, 42 - entry into force 15.03.2010]

(4) A standard format record shall be prepared concerning ascertaining of the voting results of voters permanently residing in a foreign state. The chairman of the committee shall sign the record. The date and time of preparation of the record shall be indicated in the record.

(5) Voting results of voters permanently residing in a foreign state shall be ascertained publicly, taking into account the restrictions prescribed in subsection 57 (13) of this Act.

§ 59. Ascertaining of voting results in county electoral committees

(1) On the basis of the records received from the voting district committees, the county electoral committees shall verify the number of voters entered in the lists, the number of voters who were given a ballot paper, the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers, and the number of votes cast for candidates and political parties, and shall enter these numbers in a standard format record. The result obtained shall be checked by recounting the ballot papers.
[RT I 2010, 10, 42 - entry into force 15.03.2010]

(2) If the numbers obtained by recounting the ballot papers are different from the numbers in the records of a voting district committee, the county electoral committee shall set out the differences and the circumstances which caused such differences in the appendix to the record. Records of the voting district committee shall not be amended. The county electoral committee shall adopt a resolution concerning the final voting results.

(3) A county electoral committee shall prepare a record concerning voting results in the county, in Tallinn and in the city of Tartu which shall be signed by the chairman of the committee. The date and time of preparation of the record shall be indicated in the record.

(4) The voting results shall be ascertained in a county electoral committee in public.

§ 59¹. Counting of votes cast using electronic means

(1) The Electronic Voting Committee shall ascertain the results of electronic voting on election day after 8 p.m.

(2) At least one-half of the members of the Electronic Voting Committee and the National Electoral Committee, including the chairmen or deputy chairmen of the committees, shall be present at the counting of votes.

(3) Prior to the counting of electronic votes:

1) the Electronic Voting Committee shall annul on the basis of a notice specified in subsections 48⁷(4) and (5) of the Riigikogu Election Act the electronic votes, which have been changed by the ballot papers when voting;
2) the Electronic Voting Committee shall separate the electronic votes subject to counting from the personal data of the voters.

(4) The National Electoral Committee shall open the electronic votes using the vote-opening key provided for in subsection 48³(3) of the Riigikogu Election Act.

(5) The Electronic Voting Committee shall verify the following in each electoral district:

1) the number of voters who participated in electronic voting;
2) the number of invalid electronic votes;

3) the number of electronic votes annulled pursuant to the procedure provided for in clause (3) 1) of this section;

4) the number of electronic votes cast for candidates and political parties.

(6) An electronic vote which does not contain the registration number of the candidate or which is not in conformity with the standard format established by the National Electoral Committee shall be null and void.

(7) Counting of votes cast using electronic means shall be public, taking into account the restrictions prescribed in subsection 57 (13) of this Act. Persons who are present at the counting of votes shall follow the oral orders of the members of the Electronic Voting Committee.

(8) The chairman of the Electronic Voting Committee shall sign the results of the electronic voting.

(9) The chairman of the Electronic Voting Committee shall enter the voting results in the election information system immediately.

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

§ 60. Ascertaining of voting results in National Electoral Committee

(1) On the basis of the record concerning the voting results of voters in counties and voters permanently residing in a foreign state which are received from the county electoral committees and on the basis of the voting results of voters who voted using electronic means, the National Electoral Committee shall ascertain the number of voters entered in the lists of voters, the number of voters who were given a ballot paper, the number of voters who participated in voting, the number of invalid ballot papers and the number of votes cast for candidates and political parties.

[RT I 2010, 10, 42 - entry into force 15.03.2010]

(2) The National Electoral Committee shall prepare a record concerning the voting results which shall be signed by the chairman of the Committee. The date and time of preparation of the record shall be indicated in the record.

(3) The ascertaining of the voting results in the National Electoral Committee shall be public.

§ 61. Ascertaining of election results

(1) Mandates shall be distributed using the d'Hondt distribution method with the distribution series of 1, 2, 3, 4 etc. The comparative figure of an independent candidate shall be the total number of votes cast in favour of the candidate. A mandate shall be received by the political party or independent candidate whose comparative figure is higher. If the comparative figures of at least two political parties or independent candidates are equal, the mandate shall be received by the political party or independent candidate who was positioned further toward the bottom in the consolidated list of candidates.

(2) The candidates shall be re-ranked in the list of the political party according to the number of votes cast for each candidate. If at least two candidates receive an equal number of votes, the candidate who was further towards the top of the list submitted by the political party shall be ranked ahead. In the re-ranked list of the political party, the mandate shall be given to the candidate who is further towards the top of the list.

[RT I 2010, 10, 42 - entry into force 15.03.2010]

(3) No political party shall be given more mandates than there are candidates in its list.

(4) If a resolution to register a candidate included in the list of a political party is revoked (subsection 31 (5)), the votes cast for him or her in a foreign state shall be retained by that political party. The votes of a candidate who dies after the start of the advance voting shall also be retained by the political party. If the registration decision of an independent candidate is annulled or an independent candidate dies, votes cast in favour of the candidate shall not be taken into account in the ascertaining of election results.

[RT I 2010, 10, 42 - entry into force 15.03.2010]

(5) The National Electoral Committee shall prepare a record concerning the election results which shall be signed by the Chairman of the Committee. The date and time of preparation of the record shall be indicated in the record.

(6) Election results shall be ascertained in the National Electoral Committee in public.

Chapter 10

ELECTION EXPENDITURE

§ 62. Expenditure for organisation of elections

- (1) Expenses incurred in the preparation and holding of European Parliament elections shall be covered from the state budget.
- (2) The National Electoral Committee shall prepare a draft budget for election expenditure.
- (3) The National Electoral Committee shall decide on the distribution of budget expenditure on the basis of the size of the allocations from the state budget.
- (4) Expenditure relating to the registration of voters (Chapter 5) shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of Internal Affairs.

§ 63. Report on financing of election campaign of political party and independent candidate

[Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

§ 64. Funds used for election campaign

[Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

§ 65. Expenditure for election campaign

[Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

Chapter 11 COMPLAINTS

§ 66. Definition of complaint

For the purposes of this Act, a complaint is a request for a resolution of an electoral committee to be reviewed and declared invalid or for an act of an electoral committee to be declared unlawful which is filed with a county electoral committee or the National Electoral Committee and is prepared according to the requirements of this Act.

§ 67. Requirements for complaints

- (1) A complaint shall be prepared in writing and shall set out the following:
 - 1) the name of the body with which the complaint is filed;
 - 2) the name, postal address and telecommunications numbers of the complainant;
 - 3) information concerning the contested resolution or the description of the contested act;
 - 4) a clearly expressed request;
 - 5) the reasons for the complaint;
 - 6) the date.
- (2) A complaint shall be signed by the complainant. A complaint from a political party shall be signed by the authorised representative of the political party.
- (3) If a complaint is not in conformity with the requirements prescribed in subsections (1) and (2) of this section or the complaint is filed in violation of the procedure prescribed in §§ 68 and 69 of this Act, the body with which the complaint was filed may refuse to review the complaint and may return it to the complainant.

§ 68. Procedure for filing complaint against act of voting district committee and for review of complaint

- (1) If an individual, a candidate or a political party (hereinafter *interested person*) finds that an act of a voting district committee violates his or her rights, the person may file a complaint with the county electoral committee.
- (2) The complaint shall be filed with the county electoral committee within three days as of the act prescribed in subsection (1) of this section being performed.
- (3) The county electoral committee shall review the complaint and adopt a resolution within three working days as of receipt of the complaint. The county electoral committee shall promptly communicate the resolution to the complainant.
- (4) The complaint shall be reviewed in public. The county electoral committee shall notify the complainant of the time and place of review of the complaint.

(5) The county electoral committee shall adopt one of the following resolutions:

- 1) to dismiss the complaint;
- 2) to satisfy the complaint;
- 3) to satisfy the complaint partially.

(6) If a county electoral committee satisfies the complaint, the committee may decide to perform the acts specified in subsection 14 (2) of this Act.

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

§ 69. Procedure for filing complaint against resolution or act of county electoral committee or act of Electronic Voting Committee and for review of complaint

(1) If an interested person finds that a resolution or act of a county electoral committee or an act of the Electronic Voting Committee violates his or her rights, the person may file a complaint with the National Electoral Committee. A person whose complaint against an act of a voting district committee is dismissed by a county electoral committee may file a complaint against the act of the voting district committee with the National Electoral Committee.

(2) The complaint shall be filed with the county electoral committee which adopted the resolution or performed the act against which the complaint is filed or which reviewed the complaint filed against an act within three days as of the resolution or act prescribed in subsection (1) of this section being adopted or performed. The county electoral committee shall forward the complaint together with its written explanation promptly to the National Electoral Committee.

(3) The complaint against an act of the Electronic Voting Committee shall be filed with the National Electoral Committee within three days as of the act prescribed in subsection (1) of this section being performed.

(4) The National Electoral Committee shall review the complaint and shall adopt a resolution within three working days as of receipt of the complaint. The National Electoral Committee shall promptly communicate the resolution to the complainant.

(5) The complaint shall be reviewed in public. The National Electoral Committee shall notify the complainant of the time and place of review of the complaint.

(6) The National Electoral Committee shall adopt one of the following resolutions:

- 1) to dismiss the complaint;
- 2) to satisfy the complaint;
- 3) to satisfy the complaint partially.

(7) If the National Electoral Committee satisfies the complaint, the Committee may decide to perform the acts listed in subsection 13 (2) of this Act.

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

§ 70. Filing of complaint against resolution and act of National Electoral Committee

(1) If an interested person finds that an act of a voting district committee or the Electronic Voting Committee, a resolution or act of a county electoral committee or a resolution or act of the National Electoral Committee violates his or her rights, the person may file an appeal with the Supreme Court pursuant to the procedure prescribed in the Constitutional Review Court Procedure Act.

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

(2) An appeal against a resolution or act of an electoral committee may be filed with the Supreme Court after adjudication of the matter in the National Electoral Committee. The appeal shall be filed with the Supreme Court through the National Electoral Committee within three days as of the resolution or act of the National Electoral Committee being announced or performed.

§ 71. Declaration of invalidity of voting results

(1) If the National Electoral Committee or the Supreme Court has declared the voting results in a voting district, an electoral district, a county, the city of Tallinn or Tartu or the state invalid, the National Electoral Committee shall determine a new date for the election and a repeat vote shall be held in the corresponding voting district, electoral district, county, in Tallinn or the city of Tartu or in the whole state.

(1¹) No repeat vote shall be held if the National Electoral Committee has declared the results of electronic voting invalid and has invited the persons who voted using electronic means to vote on election day pursuant to the procedure provided for in § 38 or § 45 of this Act.

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

(2) The provisions of §§ 39-44 and 46 and Chapter 7¹ and 8 of this Act do not apply to a repeat vote.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

Chapter 11¹ **LIABILITY**

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

§ 71¹. Violation of restrictions established on outdoor political advertising

(1) Violation of the restrictions established on publication of outdoor political advertising is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) The following persons who fail to comply with the requirements or restrictions established for outdoor political advertising shall be held liable as advertisers pursuant to the procedure provided for in this Act:

- 1) persons who commission advertising if the advertising commissioned by such persons violates the requirements for or restrictions on advertising established by this Act, except in the cases provided for in clauses 2) and 4) of this subsection;
- 2) persons who distribute or produce advertising if the distributors' or producers' activities violate the requirements for or restrictions on advertising established by this Act;
- 3) persons who present, exhibit or transmit advertising to the public if such persons' activities violate the restrictions on publication of advertising established by this Act;
- 4) publishers of advertising specified in clauses 1)–3) of this subsection solidarily if their activities violate the requirements for or restrictions on advertising established by this Act and it is not possible to ascertain their separate liability.

(4) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in subsections (1) and (2) of this section.

(5) Police authorities shall conduct extra-judicial proceedings in the matters of misdemeanours provided for in subsections (1) and (2) of this section.
[RT I 2009, 27, 165 - entry into force 01.01.2010]

(6) County or city courts shall hear misdemeanour matters provided for in subsections (1) and (2) of this section.
[RT I 2005, 37, 281 - entry into force 10.07.2005]

§ 71². 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) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the misdemeanours provided for in subsection (1) of this section.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

(3) Police authority shall conduct extra-judicial proceedings in the matters of misdemeanours provided for in subsection (1) of this section.
[RT I 2009, 27, 165 - entry into force 01.01.2010]

Chapter 12 **FINAL PROVISIONS**

§ 72. Registration of members of European Parliament and declaration of election results

(1) The National Electoral Committee shall register the elected Members of the European Parliament by its resolution not later than on the twentieth day after election day.

(2) If voting results have been declared invalid in the case specified in § 71 of this Act, the National Electoral Committee shall adopt the resolution to register the elected Members of the European Parliament after the results of the repeat vote become clear.

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

(4) If a candidate who is elected holds an office listed in clause 75 2), 4), 5), 7) or 8) of this Act at the time of declaration of election results, he or she must notify the National Electoral Committee, within ten days after the date of declaration of election results, whether he or she agrees to participate in the work of the European Parliament or wishes to continue in his or her current office and decline the mandate. If the elected candidate agrees to participate in the work of the European Parliament, he or she must submit a copy of his or her letter of resignation from his or her current office to the National Electoral Committee.

(5) If a candidate who is elected declines the mandate to the European Parliament, he or she shall be replaced by an alternate member. The replacement of a candidate who is elected shall be formulated by a resolution of the National Electoral Committee which shall be forwarded to the European Parliament.

§ 73. Registration of alternate members of European Parliament

(1) The alternate member of a Member of the European Parliament shall be the first candidate not elected to the European Parliament in the election from among the candidates in the same list in which the resigning Member of the European Parliament or the person who declined the mandate stood as a candidate.

(2) The National Electoral Committee shall register the alternate members of the European Parliament by its resolution.

(3) Candidates unelected in the list of the same political party shall be registered as alternate members when re-ranked according to the number of votes received (subsection 61 (2)).
[RT I 2010, 10, 42 - entry into force 15.03.2010]

§ 74. Registration of additional mandates

(1) If a Member of the European Parliament to be substituted stood as an independent candidate or if there were no more candidates in the same list, the alternate member designated on the basis of an additional mandate which is distributed between the lists and independent candidates and registered with the National Electoral Committee shall become a Member of the European Parliament.

(2) The table of comparative figures of political parties and independent candidates which is approved by a resolution of the National Electoral Committee shall be the basis for the distribution of additional mandates.

(3) The table of comparative figures sets out the comparative figures calculated for political parties and independent candidates (subsection 61 (1)) in size order, starting from the comparative figure which was the first not to be taken into account upon distribution of mandates.

(4) If at least two comparative figures are equal, the comparative figure of the political party or independent candidate which received more votes from voters shall receive a higher ranking. If the number of votes of independent candidates or political parties is equal, the independent candidate or political party who was further towards the bottom of the consolidated list of candidates shall receive a higher ranking.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

§ 75. Incompatibility of office of Member of European Parliament

The following persons shall not be Members of the European Parliament:

- 1) members of the Riigikogu;
- 2) the President of the Republic;
- 3) members of the Government of the Republic;
- 4) persons serving in offices appointed by the Riigikogu, the President of the Republic, the Government of the Republic, the Prime Minister or the head of a government agency or another state agency, except the chairman of a board if the appointment is made by the Riigikogu pursuant to law;
- 5) the Chairman of the Board of Eesti Pank;
- 6) a person in active service in the Defence Forces;
[RT I, 10.07.2012, 3 - entry into force 01.04.2013]
- 7) rural municipality or city mayors;
- 8) members of a rural municipality or city council;
- 9) members of the Commission of the European Communities;
- 10) Judges, Advocates-General and the Registrar of the European Court of Justice and the Court of First Instance of the European Communities;
- 11) members of the Board of Directors of the European Central Bank;
- 12) members of the Court of Auditors of the European Communities;
- 13) the Ombudsman of the European Communities;

- 14) members of the Economic and Social Committee of the European Economic Community and European Atomic Energy Community;
- 15) members of the Committee of the Regions;
- 16) members of committees or other bodies set up pursuant to the Treaties establishing the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent direct administrative task;
- 17) members of the Board of Directors, Management Committee or staff of the European Investment Bank;
- 18) active officials or servants of the institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank.

§ 75¹. [Repealed - RT I 2009, 12, 70 - entry into force 14.07.2009]

§ 76. Premature termination of authority of Member of European Parliament

(1) The authority of a Member of the European Parliament shall terminate prematurely:

- 1) if he or she assumes an office specified in § 75 of this Act;
- 2) upon his or her resignation;
- 3) if, according to a resolution of the National Electoral Committee, the Member of the European Parliament does not meet the requirements provided for in subsections 4 (4)–(7) of this Act;
- 4) upon the entry into force of a conviction of an intentionally committed criminal offence, if the person is sentenced to imprisonment;
- 5) upon his or her death;
- 6) if he or she is not elected as the result of a repeat vote upon entry into force of the resolution of the National Electoral Committee specified in subsection 72 (2) of this Act.

(2) The National Electoral Committee shall immediately notify the European Parliament of assumption of office specified in clause 75 2), 4), 5), 6), 7) or 8) of this Act by a Member of the European Parliament or of any circumstances specified in clauses (1) 3)–6) of this section or of such circumstances becoming known. Upon the resignation of a Member of the European Parliament, the Member of the European Parliament shall submit the request to the President of the European Parliament.

(3) Upon premature termination of the authority of a Member of the European Parliament, he or she shall be replaced by an alternate member. The replacement of a Member shall be formulated by a resolution of the National Electoral Committee which shall be forwarded to the European Parliament.

§ 77. Refund of security

An independent candidate or political party shall receive a refund for their security if the independent candidate or political party receives at least 5 per cent of the votes nationally. The National Electoral Committee shall transfer unrefunded security into state revenues.

§ 77¹. Preservation of ballot papers and election documents

(1) The county electoral committee shall preserve the ballot papers for one month as of election day. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the county electoral committee shall organise the destruction of the ballot papers and document it.

(2) The Electronic Voting Committee shall preserve the electronic votes for one month as of election day. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the committee shall destroy the electronic votes, personal data of the voters contained in the electronic voting system and the key for opening the electronic votes.

(3) The records of voting results and election results shall be preserved permanently. Lists of voters shall be preserved permanently in the National Archives.

(4) The National Electoral Committee shall establish the procedure for the preservation of the records of voting results and election results and other election documents by a regulation provided for in clause 13 (4) 6) of this Act.

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

§ 78. Implementation of electronic voting

Electronic voting shall not be implemented before 2005.

§ 79.–§ 92.[Omitted from this text.]

¹Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34–38), amended by Directive 2013/1/EC (OJ L 26, 26.01.2013, p. 27–29).

[RT I, 10.01.2014, 1 - entry into force 20.01.2014]