

## RIIGIKOGU ELECTION ACT

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Amended by the following acts (date of adoption, publication in *Riigi Teataja*, date of enforcement):

12.02.2003 (RT I 2003, 26, 156) 21.03.2003

18.12.2003 (RT I 2003, 90, 601) 1.01.2004

21.01.2004 (RT I 2004, 6, 32) 14.02.2004

24.03.2004 (RT I 2004, 22, 148) 8.04.2004

22.09.2004 (RT I 2004, 71, 501) 29.10.2004

9.06.2005 (RT I 2005, 37, 281) 10.07.2005

7.06.2006 (RT I 2006, 30, 231) 14.07.2006

### Chapter 1

#### GENERAL PROVISIONS

##### § 1. Bases of election system

- (1) The Riigikogu is comprised of 101 members.
- (2) Riigikogu elections shall be free, general, uniform and direct. Voting shall be secret.
- (3) Each voter shall have one vote.
- (4) Election results shall be verified on the basis of proportional representation.

##### § 2. Time of regular elections

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

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

- (1) The President of the Republic shall, by a resolution, call extraordinary Riigikogu elections on the basis of clause 78 3) of the Constitution of the Republic of Estonia:

1) within three days as of the duty to call elections arising in the cases prescribed in §§ 89 and 119 of the Constitution of the Republic of Estonia;

2) within three days as of publication of the results of a referendum in the *Riigi Teataja* in the case prescribed in subsection 105 (4) of the Constitution of the Republic of Estonia.

- (2) In the case prescribed in § 97 of the Constitution of the Republic of Estonia, the President of the Republic may, on the proposal of the Government of the Republic, call extraordinary Riigikogu elections within three days as of the date of an expression of no confidence in the Government of the Republic or the Prime Minister.

- (3) Extraordinary Riigikogu elections shall not be held earlier than twenty days or later than forty days after the elections are called.

- (4) The date for extraordinary Riigikogu elections shall be specified by the President of the Republic. Extraordinary elections shall be held on a Sunday.

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

- (1) Estonian citizens who have attained 18 years of age by election day have the right to vote.
- (2) A person who has been divested of his or her active legal capacity with regard to the right to vote shall not have the right to vote.
- (3) A person who has been convicted of a criminal offence by a court and is imprisoned shall not participate in voting.
- (4) Estonian citizens who have attained 21 years of age by the last day for the registration of candidates have the right to stand as candidates.

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

(6) A person who has been convicted of a criminal offence by a court and is imprisoned shall not stand as a candidate for election to the Riigikogu.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

## **Chapter 2**

### **CAMPAIGNING**

#### **§ 5. Campaigning restriction**

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

(2) Active election campaigning is prohibited on election day.

(3) Election campaigning is prohibited in polling places and premises through which voters enter polling places.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

Advertising an independent candidate, political party or person who runs as party nominated candidate, electoral coalition or person who runs as candidate in the list of electoral coalition, or their logo or other sign or programme on a building, facility, inner or outer side of public transport vehicle or taxi, or any other political outdoor advertising shall be prohibited during the active election campaigning period.

[RT I 2005, 37, 281, entered into force 10. 07. 2005]

## **Chapter 3**

### **ELECTORAL DISTRICTS AND POLLING DIVISIONS**

#### **§ 6. Electoral districts**

Riigikogu elections shall be held in twelve multi-mandate electoral districts:

Electoral district no. 1: the Tallinn city districts of Haabersti, Põhja-Tallinn and Kristiine;

Electoral district no. 2: the Tallinn city districts of Kesklinn, Lasnamäe and Pirita;

Electoral district no. 3: the Tallinn city districts of Mustamäe and Nõmme;

Electoral district no. 4: Harjumaa (except Tallinn) and Raplamaa;

Electoral district no. 5: Hiiumaa, Läänemaa and Saaremaa;

Electoral district no. 6: Lääne-Virumaa;

Electoral district no. 7: Ida-Virumaa;

Electoral district no. 8: Järvamaa and Viljandimaa;

Electoral district no. 9: Jõgevamaa and Tartumaa (except the city of Tartu);

Electoral district no. 10: the city of Tartu;

Electoral district no. 11: Võrumaa, Valgamaa and Põlvamaa;

Electoral district no. 12: Pärnumaa.

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

(1) The National Electoral Committee shall, by a resolution, divide the mandates between the electoral districts as follows:

1) the total number of voters shall be divided by the number 101;

2) the number of voters in an electoral district shall be divided by the number obtained as a result of the calculation specified in clause 1) of this subsection;

3) each electoral district shall be awarded a particular number of mandates in correspondence with the integer of the number obtained as a result of the calculation made according to clause 2) of this subsection;

4) mandates which are not distributed pursuant to clause 3) of this subsection shall be distributed on the basis of the largest-remainder rule, using the fractions of numbers obtained as a result of the calculation specified in clause 2) of this

subsection.

(2) The number of voters shall be obtained on the basis of the information held in the Estonian Population Register (hereinafter population register) as at the first day of the month when the elections are called.

(3) The Minister of Internal Affairs shall submit the number of voters by county and, in Tallinn, by city district to the National Electoral Committee within three working days as of the calling of elections.

(4) The National Electoral Committee shall promptly disclose a resolution specified in subsection (1) of this section.

[RT I 2004, 22, 148, entered into force 8. 04. 2004]

#### **§ 8. Formation of polling divisions**

(1) In order to hold voting, polling divisions shall be formed in the territory of an electoral district.

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

- 1) the numeration of the polling divisions;
- 2) the boundaries of the polling divisions;
- 3) the location of polling places;
- 4) at least one polling division where voters can vote outside the polling division of their residence (subsection 41 (2));
- 5) a polling division 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) Polling divisions are permanent. Voting shall be held in the same polling divisions for Riigikogu, local government council, European Parliament elections and referendums, unless the rural municipality or city government determines otherwise and amends the regulation specified in subsection (2) of this section.

(4) A rural municipality or city government may amend a regulation specified in subsection (2) of this section not later than on the fiftieth day before election day or in extraordinary cases later. 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 each election.

(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 polls.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

### **Chapter 4**

#### **ELECTORAL COMMITTEES**

#### **§ 9. Types of electoral committees**

(1) Riigikogu elections are organised by the following electoral committees:

- 1) the National Electoral Committee;
- 2) the county electoral committees;
- 3) division committees.

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

#### **§ 10. Term of authority of electoral committee**

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

(2) The term of authority of county electoral committees and the electoral committees of the cities of Tallinn and Tartu shall be four years.

(3) Division committees shall be formed before regular and extraordinary Riigikogu elections. The authority of a division committee shall continue until the new membership of the committee is appointed.

#### **§ 11. 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 decision of the National Electoral Committee may be a member of an electoral committee. A member of an electoral committee shall be proficient in Estonian.

- (2) A person may be a member of only one electoral committee.
- (3) The authority of a member of an electoral committee shall terminate prematurely
- 1) if it becomes evident that he or she has no right to vote according to subsections 4 (1)-(4) of this Act;
  - 2) upon his or her resignation;
  - 3) upon his or her death;
  - 4) by a decision of the National Electoral Committee.
- (4) A person may be released from his or her duties as a member of an electoral committee by a reasoned resolution of the official who or body which appointed him or her either on the initiative of the official or body or on the proposal of the electoral committee.
- (5) The authority of a member of an electoral committee shall be suspended
- 1) if he or she becomes an authorised representative of a political party;
  - 2) if he or she becomes an authorised representative of an independent candidate;
  - 3) if he or she is nominated as a candidate for election to the Riigikogu;
  - 4) by a decision of a county electoral committee or the National Electoral Committee.
- (6) [Repealed - RT I 2006, 30, 231 – entered into force 14. 07. 2006]
- (7) The authority of a member of an electoral committee shall be restored:
- 1) in the cases prescribed in clauses (5) 1) and 2) of this section, as of the date when the election results are announced;
  - 2) in the case prescribed in clause (5) 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.
- (8) A member of an electoral committee shall not campaign for or against political parties or candidates.
- (9) A member of an electoral committee shall be independent in the performance of his or her duties. A member of an electoral committee shall operate pursuant to law and the instructions of a superior electoral committee.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

## **§ 12. Working procedures of electoral committee**

- (1) The work format of an electoral committee shall be a meeting, which shall be convened by the chairman of the committee or, in his or her absence, by the deputy chairman, and in the absence of both the chairman and the deputy chairman, by the youngest member of the electoral committee.
- (2) An electoral committee has a quorum if at least one-half of the members of the committee are present, including the chairman or deputy chairman.
- (3) Minutes shall be taken of the meetings of an electoral committee.
- (4) The meetings of an electoral committee shall be public. Everyone has the right to examine resolutions of an electoral committee and the minutes of committee meetings.
- (5) An electoral committee shall decide issues within its competence by a majority of votes in favour. Any dissenting opinion of a member of the committee shall be recorded in the minutes.
- (6) If the authority of a member of an electoral committee is suspended or terminates, the chairman shall notify the first alternate member thereof who shall assume the obligations of the member of the electoral committee.
- (7) On the basis of a resolution of an electoral committee, alternate members or other persons may participate in election activities.
- (8) If a member of the National Electoral Committee cannot participate in a meeting of the Committee, an alternate member who has all the rights and obligations of a member of the Committee, except the rights and obligations of the Chairman or Deputy Chairman, shall substitute for him or her.
- (9) For the time elections are being organised, the employment contract or service relationship of a member or alternate member of an electoral committee or a person assisting the committee shall be suspended on the basis of a proposal made by the electoral committee.

## **§ 13. Assistance to electoral committee**

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

(2) An electoral committee has the right to address state or local government bodies, administrative agencies or other agencies in writing regarding issues concerning the organisation of elections. An answer shall be provided to an inquiry made by an electoral committee within three working days as of the receipt thereof.

#### **§ 14. Formation of National Electoral Committee**

(1) The members of the National Electoral Committee shall be as follows:

- 1) a judge of a court of first instance appointed by the Chief Justice of the Supreme Court;
- 2) a judge of a court of appeal appointed by the Chief Justice of the Supreme Court;
- 3) an adviser to the Chancellor of Justice appointed by the Chancellor of Justice;
- 4) an official of the State Audit Office appointed by the Auditor General;
- 5) a public prosecutor appointed by the Chief Public Prosecutor;
- 6) an official of the Chancellery of the Riigikogu appointed by the Secretary General of the Riigikogu;
- 7) an official of the State Chancellery appointed by the State Secretary.

(2) The members of the Committee shall be appointed not later than on the tenth day before the authority of the Committee terminates.

(3) The Chairman and Deputy Chairman of the National Electoral Committee shall be elected by the electoral committee from among its members at the first meeting of the committee. The first meeting of the electoral committee shall be convened by the Chairman or Deputy Chairman of the National Electoral Committee not later than on the seventh day after the beginning of the term of the committee.

(4) The person who appoints a member of the National Electoral Committee to office shall appoint an alternate member for the member.

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

(6) Operational and clerical support shall be provided to the National Electoral Committee by the Chancellery of the Riigikogu.

(7) The National Electoral Committee shall establish its working procedure.

(8) National Electoral Committee is entered in the state register of state and local government agencies.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

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

(2) The National Electoral Committee has the right to:

- 1) suspend or terminate the authority of a member of a county electoral committee or a division committee if she or she violates the Riigikogu Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 2) issue precepts for the elimination of deficiencies of an act of a county electoral committee or division committee or a resolution of a county electoral committee;
- 3) suspend an act of a county electoral committee or division 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 division committee or a county electoral committee unlawful and to issue a precept to the division committee or county electoral committee for elimination of the violation;
- 5) to declare the voting results in the polling division, the electoral district, the county, the city of Tallinn or Tartu or the state invalid 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. Regulations of the National Electoral Committee shall be signed by the Chairman. 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 working procedure of the National Electoral Committee;

- 2) the procedure for the nomination and registration of candidates;
- 3) the standard format of applications for the registration of candidates, the standard format of the list of candidates in an electoral district, the standard format of the national lists of candidates, the standard format of applications to stand as a candidate and the standard format of the personal data forms of candidates;
- 4) the standard format of polling lists;
- 5) the procedure for voting in foreign states;
- 6) the procedure for the holding of voting and verification 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;
- 11) [Repealed - RT I 2004, 6, 32 - entered into force 14. 02. 2004]

(5) The National Electoral Committee shall adopt a resolution in order to resolve an individual matter 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 and division committees.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 16. Formation of county electoral committee**

(1) A county electoral committee shall be comprised of up to thirteen members.

(2) A county secretary shall be the chairman of a county electoral committee. The county governor, on the proposal of the county secretary, shall appoint the members of the county electoral committee not later than on the tenth day before the authority of the committee terminates. The county governor, on the proposal of the county secretary, shall also appoint up to four alternate members who, during the term of authority of the committee and in the order specified by the county governor, shall replace the members of the committee whose authority is suspended or terminates.

(3) The chairman of the electoral committees of the cities of Tallinn and Tartu shall be the corresponding city secretary. The city council, on the proposal of the city secretary, shall appoint the members of the city electoral committee not later than on the tenth day before the authority of the committee terminates. The council shall also appoint up to four 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.

(4) The deputy chairman of a county electoral committee shall be elected by the committee from among its members.

(5) Operational and clerical support shall be provided to county electoral committees and the electoral committees of the cities of Tallinn and Tartu by the county governments and the city governments of Tallinn and Tartu respectively.

#### **§ 17. Competence of county electoral committee**

(1) The function of a county electoral committee is to verify voting results in the county, instruct division committees, exercise supervision over their activities and 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 division committee if she or she violates the Riigikogu Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 2) to propose to the National Electoral Committee to terminate the authority of a member of a county electoral committee who has violated Riigikogu 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 division committee;
- 4) suspend an act of a division committee;
- 5) declare an act of a division committee unlawful;
- 6) to make a proposal to the National Electoral Committee to declare the voting results in the polling division invalid and to hold a repeat vote in the polling division 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 matter 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 division committees.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 18. Formation of division committee**

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

(2) The chairman and members of a division committee shall be appointed by a resolution of the local government council (hereinafter *council*) on the proposal of the rural municipality or city secretary not later than twenty days prior to election day.

(3) The rural municipality or city secretary shall put forward half of the members of a division committee and the rest of the members shall be put forward by political parties.

(4) Political party participating in the election shall put forward one member candidate for a division committee to the rural municipality or city secretary not later than forty-five days prior to election day.

(5) The consent of the person is required to put him or her forward as a member of a division committee.

(6) If political parties do not put forward candidates or if the number of candidates put forward is smaller than the number of places parties have in the division committee, the council shall appoint the rest of the members on the proposal of the rural municipality or city secretary.

(7) If the number of member candidates for a division committee put forward by parties exceeds the number of places parties have in the division committee the rest of the candidates are appointed alternate members of the division 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 division committee shall elect a deputy chairman of the committee from among its members.

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

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 19. Competence of division committee**

The function of a division committee is to conduct voting, verify voting results in the polling division and perform other functions arising from this Act.

### **Chapter 5**

#### **REGISTRATION OF VOTERS**

##### **§ 20. 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.

##### **§ 21. Polling card**

(1) The chief processor of the population register shall organise the preparation of polling cards and their sending to voters not later than on the twentieth day before election day. A polling 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 on a polling card:

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

(3) A voter who has not received a polling card by fifteen days before election day or whose polling 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 polling card and shall respond to the application in writing within three working days as of receiving the application.

## **§ 22. Polling list**

(1) The chief processor of the population register shall organise the preparation and printing of the polling lists for each polling division on the basis of the information held in the population register and shall organise the delivery of polling lists to the division committees not later than by the seventh day before election day. Electronic lists of electors shall be delivered to the National Electoral Committee by the seventh day before election day.>

(2) The basis for the preparation of polling lists shall be the information prescribed in subsection 20 (3) of this Act, as at thirty days before election day. Upon preparation of a polling list, any changes made to the information specified in clauses 20 (3) 1)-5) of this Act later than thirty days before election day shall also be taken into account. Any changes made to the residential address less than thirty days before election day shall not be taken into account.

(3) A person shall not be entered in a polling list if he or she has been convicted of a criminal offence by a court pursuant to information held in the punishment register and if, as of thirty days before election day, he or she is to be imprisoned until election day.

(4) A voter shall be entered in the polling list of the polling division 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 polling list of a polling division determined pursuant to clause 8 (2) 5) of this Act.

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

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

(6) Voters shall be entered in a polling list in alphabetical order according to their surnames.

(7) The person who prepares a polling list shall sign the polling list not later than on the seventh day before election day and the chairman of the division committee shall sign the polling list on election day after the close of voting. The Chairman of the National Electoral Committee shall sign the list of voters who voted electronically after the close of voting.

(8) Polling lists shall be preserved permanently in the archives.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

(1) A voter may check the correctness of information entered in the polling list 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 polling lists to the extent necessary and the lists may also be used for scientific purposes.

## **§ 24. Checking correctness of information entered in polling list and correction of errors**

(1) If a voter finds that information entered in the polling list concerning himself or herself contains errors, he or she shall submit an application for correction of the errors to the division 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 polling list and shall respond to the applicant and inform the division committee of the results of the review.

(3) The division committee shall correct the error in the polling list 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 division committee that the information entered in the polling list contains errors, the division committee may correct the errors. The rural municipality or city secretary shall be promptly informed of correction of the errors.

### **§ 25. Making amendments to polling list**

(1) A polling list shall be amended only if:

- 1) a person who has not been entered in any polling list but who has the right to participate in voting pursuant to this Act is to be entered in the list;
- 2) a person who does not have the right to participate in voting is to be deleted from the list.

(2) In order to amend a polling list, 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 polling list 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 a polling list, the rural municipality or city secretary shall promptly notify the division committee thereof.

(4) A division committee shall make an amendment in a polling list 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. The action shall be filed with the rural municipality or city secretary who shall forward the action and his or her written explanation to the administrative court of his or her location 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 action and issue a precept to the rural municipality or city secretary to arrange that the person be entered in the population register or to amend the register information which is the basis for the registration of voters.

(8) If the administrative court satisfies the action, the person shall be promptly entered in the population register or the information pertaining to him or her shall be amended and the division committee shall be promptly notified thereof.

## **Chapter 6**

### **NOMINATION AND REGISTRATION OF CANDIDATES**

#### **§ 26. Party**

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

(2) The Minister of Justice shall send a list of political parties to the National Electoral Committee within three working days after the elections are called. Political parties which are in the non-profit associations and foundations register on the date the elections are called shall be entered in the list.

(3) Political parties shall participate in Riigikogu 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 a political party according to the Non-profit Associations Act (RT I 1996, 42, 811; 1998, 96, 1515; 1999, 10, 155; 23, 355; 67, 658; 2000, 55, 365; 88, 576; 2001, 56, 336; 93, 565) or the articles of association of the political party shall sign the notice. If a political party is not in the list set out in subsection (2) of this section, the political party shall also submit a certificate concerning entry in the non-profit associations and foundations register.

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

(6) Within two days after the last day for the nomination of candidates, the Minister of Justice shall send the lists of the members of political parties which are entered in the non-profit associations and foundations register, as at the last day for the nomination of candidates, to the National Electoral Committee in electronic form. The lists shall include the names and personal identification codes of the members and the date on which they became members of the political party.

#### **§ 27. Independent candidate**

(1) Every person who has the right to stand as a candidate (subsections 4 (4)-(6)) may nominate himself or herself 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 registration on the basis of a corresponding authorisation document.

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

### **§ 28. Candidate documents**

(1) The following are candidate documents:

- 1) an application to stand as a candidate;
- 2) a 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 of this Act for candidates standing in Riigikogu elections.

(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) 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) research degree;
- 4) place of employment;
- 5) position.

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

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

### **§ 29. List of candidates**

(1) A political party shall prepare:

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

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

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

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

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

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

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

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

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

(1) The nomination of candidates shall begin on the working day following the distribution of mandates. A political party may put forward its

candidates after submission of a notice specified in subsection 26 (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) the lists of candidates in electoral districts;
- 3) the national list of candidates;
- 4) a copy of the payment order certifying the payment of security;
- 5) the candidate documents of each candidate (subsection 28 (1)).

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

- 1) an application for registration of the candidate;
- 2) a copy of the payment order certifying the payment of security;
- 3) the candidate documents (subsection 28 (1)).

(5) Before nominating candidates, a political party or an independent candidate shall deposit an amount, the size of which is equal to two 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 security.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

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

(2) The registration documentation of candidates shall be delivered by an authorised representative of the political party. The registration documentation 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 submitter of 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 submitted documents shall be returned.

(4) If a political party or an independent candidate wishes to make amendments to the registration documentation of candidates, the National Electoral Committee shall return all the submitted documents 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 need not re-submit the registration documentation of candidates.

(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 submitted documents contain errors which cannot be corrected immediately, the documents shall be accepted. The person who accepts the documents shall propose to the submitter of the documents that the missing documents or information be submitted, that documents conforming to 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.

### **§ 32. 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 in an electoral district. 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 way of drawing lots.

(3) If, within the term specified in subsection 31 (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 30 (3) 1), 2), 3) or 4) 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)-(6) and 29 (5) 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)-(6) and 29 (5) 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 on the day before the start of advance polls.

[RT I 2004, 71, 501, entered into force 29. 10. 2004]

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

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

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

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

(4) The National Electoral Committee shall inform the electoral committees, representations organising voting in foreign states and masters of ships of all corrections and amendments to consolidated lists of candidates in electoral districts, 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 start of advance polls.

[RT I 2004, 71, 501, entered into force 29. 10. 2004]

## **Chapter 7**

### **VOTING PROCEDURE**

#### **§34. Polling place**

(1) Voting in a polling division 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 polling days.

(2) A polling place shall have places for the distribution of ballot papers, voting booths and a ballot box. In a polling division where voters can vote outside the polling division of their residence, the polling place shall have a separate voting booth and ballot box for voters voting outside the polling division of their residence during advance polls. The consolidated list of candidates in the electoral district and the national lists of candidates shall be posted in the polling place.

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

#### **§ 35. Voting booth**

(1) A voting booth shall enable voting to be secret.

(2) There shall be a table and a writing instrument in a voting booth. The consolidated list of candidates in the electoral district shall be placed on the wall of the voting booth, except the booth designated for electors voting outside the polling division of their residence.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 36. Ballot box**

(1) Before voting opens, the division committee shall inspect and seal the ballot box. Ballot boxes sealed before the start of advance polls shall be used for advance polls 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) After the close of voting on advance polling days, the division committee shall seal the opening of the ballot box used for advance polls.

### **§ 37. Ballot paper**

(1) The standard format of ballot papers shall be established by the National Electoral Committee.

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

(3) After the receipt of ballot papers, the division committee shall affix the seal of the division committee to the ballot papers. The National Electoral Committee shall affix its seal to ballot papers used for voting in foreign states and on board ships.

### **§ 38. Time of voting**

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

(2) Advance polls shall be held

1) from the thirteenth day to the ninth day before election day, in a polling division designated by the county electoral committee. Voting shall open at 12.00 a.m. and close at 8 p.m.;

2) from the sixth day to the fourth day before election day in all polling divisions. Voting shall open at 12.00 a.m. and close at 8 p.m.;

3) from the sixth day to the fourth day before election day by electronic means. Voting opens on the sixth day before the day of election at 9.00 a.m. and lasts on 24-hour basis until the voting closes on the fourth day before the election day at 8.00 p.m.

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

(4) Voting in custodial institutions shall be held in on the days prescribed in clause (2) 2) of this section in the cases prescribed in this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

### **§ 39. Voting**

(1) A voter shall vote in the polling division where he or she is entered in the polling list, except in the cases prescribed in §§ 41-45 and 47 and in Chapter 8 of this Act.

(2) In order to obtain a ballot paper, a voter shall present an identity document to the division committee. The voter shall sign the polling list against receipt of the ballot paper.

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

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

(5) The voter shall complete the ballot paper himself or herself. If he or she is unable to complete the ballot paper himself or herself due to a physical disability, another voter, but not a candidate in the election district of his or her residence, may do so at his or her request and in his or her presence.

(6) Voters are not allowed to take ballot papers outside the polling place. If a voter spoils the ballot paper, he or she has the right to be given a new ballot paper by the division committee. The voter shall return the spoiled or unused ballot paper to the division committee.

(7) After completing the ballot paper, the voter shall fold the ballot paper and hand it to a member of the division committee who shall affix the seal of the division committee to the outside of the folded ballot paper.

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

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

### **§ 40. Advance polls**

(1) Advance polls shall be held pursuant to the procedure prescribed in § 39 of this Act.

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

(3) Advance polls shall be organised by at least three members of the division committee.

(4) A member of the division committee shall mark the date of voting in the polling list concerning each voter who has voted.

(5) The division committee shall keep the ballot box and voting documents on advance polling days and the following days such that only

members of the division committee have access to them.

#### **§ 41. Specifications for advance polls held outside polling division of residence**

(1) On advance polling days (subsection 38 (2)), voters may vote outside the polling division of their residence in a polling division designated by the county electoral committee, or the rural municipality or city government.

(2) A division committee designated by the rural municipality or city government shall organise voting outside the polling division of residence. The rural municipality or city government may designate a division committee which, in addition to advance polls, organises voting only at the location of a voter (§ 43) or only in custodial institutions (§ 45).

(3) A county electoral committee, except the Harjumaa County Electoral Committee and the Tartumaa County Electoral Committee shall designate, not later than on the forty-fifth day before election day, at least one polling division located in a county town, where voters may vote outside the polling division of their residence on the days prescribed in clause 38 (2) 1) of this Act. In the city of Tallinn or Tartu, such polling division shall be designated by the city electoral committee. A county electoral committee shall publish its decision during the week before the start of advance polls.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 42. Advance polls held in polling places outside polling division of residence**

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

(2) The member of the division committee shall issue a ballot paper, two envelopes and the consolidated list of candidates in the electoral district of the residence of the voter to the voter. The voter shall sign the list of voters voting outside the polling division of their residence against the receipt of a ballot paper.

(3) The voter shall complete the ballot paper pursuant to the provisions of subsections 39 (3)-(6) of this Act.

(4) The voter shall place the ballot paper in one of the envelopes given by the member of the division committee. The voter shall place the envelope in the other envelope given by a member of the division committee. The voter or the member of the division 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 voting outside the polling division of their residence.

#### **§ 43. Advance polls held outside polling division of residence at location of voter**

(1) If a voter who wishes to vote outside the polling division of his or her residence is unable to vote at a polling place located in a polling division due to his or her state of health or for another good reason, he or she may, until 4 p.m. on the last day of advance polling, 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 division committee prescribed in subsection 41 (2) of this Act. The division committee shall register the application. The rural municipality or city government shall register the application and forward it to the corresponding division committee.

(2) Voting shall be organised by at least two members of the division committee pursuant to the provisions of subsections 39 (4)-(6) and 42 (1), (2) and (4) of this Act.

#### **§ 44. Electronic voting**

(1) A voter may vote electronically on the webpage of the National Electoral Committee on days prescribed in clause 38(2)3). A voter shall vote himself or herself.

(2) A voter shall identify himself or herself on the basis of a certificate on identity documents permitting digital authentication.

(3) After identification of the voter, the consolidated list of candidates in the electoral district of the residence of the voter shall be displayed to the voter on the webpage.

(4) The voter shall mark the name of the candidate in favour of whom he or she wishes to vote in the electoral district of his or her residence, and shall confirm the vote by giving a digital signature with the aid of a certificate permitting digital signing on the identity document.

(5) A notice that the vote has been accepted shall be displayed to the voter on the webpage.

(6) The voter may change his or her electronically given vote:

1) by voting again electronically at the time prescribed in clause 38(2)3) of this Act;

2) by voting with a ballot paper from the sixth to the fourth day before election day pursuant to the procedure provided for in §§ 40-43, 45 or 47 of this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 45. Voting in custodial institutions**

(1) Voting in custodial institutions shall be held on the days prescribed in clause 38 (2) 2) of this Act.

(2) The administration of a custodial institution shall submit an application for voting to be held to the division committee prescribed in subsection 41 (2) of this Act.

(3) Voting shall be organised by at least two members of the division committee pursuant to the provisions of subsections 39 (4)-(6) and 42 (1), (2) and (4) of this Act.

(4) Upon verification of the voting results, the votes of voters who voted at advance polls in a custodial institution shall be taken into account pursuant to the provisions of § 48 of this Act.

[RT I 2004, 6, 32, entered into force 14. 02. 2004]

#### **§ 46. 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 division committee of his or her residence by 4 p.m. on election day and the division 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 appropriate division committee.

(3) Home voting shall be held by at least two members of the division committee. The members are appointed based on the principle that they do not belong to the same party or they have not been put forward to be members of a division committee by the same party. Home voting shall be organised pursuant to the provisions of subsections 39 (1), (2), (4), (5), (6) and (8) of this Act.

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

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

(1) A voter residing in a foreign state who has been 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 may vote during advance polls in any polling division designated pursuant to the procedure provided for in the first sentence of subsection 41 (2) or subsection 41 (3) of this Act.

(2) In order to obtain a ballot paper, a voter shall present an identity document to the division committee and shall be entered in the list of voters voting outside the polling division of their residence.

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

(4) The voter shall complete the ballot paper pursuant to the provisions of subsections 39 (3)-(6) of this Act.

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

(6) Upon the verification of 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 48 (1) and (2) and subsections 55 (2)-(6) of this Act.

[RT I 2004, 6, 32, entered into force 14. 02. 2004]

#### **§ 48. Calculation of votes cast during advance polls outside polling division of residence**

(1) A division committee shall pack the envelopes with the ballot papers of electors who voted outside the polling division 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) The county electoral committee shall forward the envelopes with ballot papers specified in subsection (1) of this section to the electoral committees of the appropriate counties 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 provided for in subsection (2) of this section to the corresponding division committees not later than on the day preceding election day.

(4) After receipt of the envelopes with ballot papers pursuant to the procedure provided for in subsection (3) of this section, the division committees shall check whether a voter has been entered in the polling list of the polling division and whether he or she has not voted in the polling division of his or her residence. At least three members of the division committee shall be present during the verification.

(5) If a voter has not been entered in the polling list of the polling division or has voted outside the polling division of his or her residence

several times, the division committee shall reject all envelopes with ballot papers of the voter.

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

(7) After performing the acts prescribed in subsections (5) - (6) of this Article, the division committee shall open the outer envelopes, deposit the inner envelopes with ballot papers in the ballot box used at the advance polls and seal the opening of the ballot box again.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 48<sup>1</sup>. Counting of electronically given votes**

(1) In case of several electronically given vote (subsection 44(6)), the last vote shall be taken into account.

(2) After the close of electronic voting, the National Electoral Committee shall prepare a list of persons who voted electronically by polling divisions and shall forward the list to the county electoral committees not later than on the second day before the day of the referendum. A county electoral committee shall forward the list to division committees not later than on the day preceding the election day.

(3) If a voter has voted electronically, a member of the division committee shall make a notation in the polling list concerning voting electronically.

(4) If a voter has voted electronically as well as with a ballot paper, the ballot paper of the voter shall be taken into account. The division committee shall send an appropriate communication to the National Electoral Committee, whereby the National Electoral Committee shall annul the electronically given vote of the voter.

(5) If a voter has voted several times outside the polling division of his or her residence, and electronically, all envelopes with ballot papers of the voter as well as the electronically given vote shall be rejected. The division committee shall send an appropriate communication to the National Electoral Committee, whereby the National Electoral Committee shall annul the electronically given vote of the voter.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

### **Chapter 8**

#### **VOTING IN FOREIGN STATE**

#### **§ 49. Preparation of voting**

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

(2) An honorary consulate, the 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 honorary consulate shall perform the acts prescribed in this Chapter.

(3) Voting shall be organised by the head of a representation or an official designated by him or her. In the case prescribed in subsection (2) of this section, voting shall be organised by an honorary consul or a person designated by him or her. The person who organises voting must be a person who has the right to vote pursuant to subsections 4 (1) and (2) 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 representations. The following information shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address, if known;
- 4) the number of the electoral district of which the consolidated list of candidates is sent to the voter.

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

(6) The following shall be entered on a polling card:

- 1) the given name and surname of the voter;
- 2) the date of birth of the voter;
- 3) the address of the voter;
- 4) the address of the representation;
- 5) the procedure for submitting an application to vote by post, for voting by post and for voting at the representation;
- 6) the due date for the receipt by the representation of applications to vote by post;

- 7) the due date for the receipt by the representation of ballot papers sent by post;
- 8) the time of voting at the representation;
- 9) the time of electronic voting.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 50. 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 representation in the country of his or her habitual residence. If the country of habitual residence of a voter does not have a representation of Estonia, the voter shall send the application to the nearest representation 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 subsections 4(1) and (2) of this Act;
- 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 representation not later than on the thirtieth day before election day.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

(1) At the earliest possible opportunity, a representation 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 in the electoral district pursuant to the information in the list of voters permanently residing in a foreign state or in accordance with clause 50 (3) 3) or subsection 50 (4) of this Act;
- 3) two envelopes.

(2) If a voter permanently residing in a foreign state has indicated Tallinn as his or her last residence or the last residence of his or her parents or grandparents but has not specified the city district, the consolidated list of candidates in electoral district no. 1 shall be sent to the voter.

(3) If a voter permanently residing in a foreign state has indicated Petseri county as his or her last residence or the last residence of his or her parents or grandparents, the consolidated list of candidates in electoral district no. 11 shall be sent to the voter.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 52. 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 representation. The voter shall place this envelope in the other envelope sent by the representation. The voter shall write his or her name and personal identification code and the number of the electoral district 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 representation.

(2) Ballot papers sent by post shall have been received by the representation on the day determined by the representation, 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 representation shall prepare a 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 50 (1) of this Act and subsection (1) of this section shall

be borne by the voter.

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

(1) A voter who has been entered in the list of voters permanently residing in a foreign state or who is temporarily staying in a foreign state may vote on the webpage of the National Electoral Committee.

(2) Electronic voting shall be held at the time prescribed in subsection 38 (2)3) of this Act and pursuant to the procedure prescribed in § 44 of this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

### **§ 54. Voting at representation**

(1) If a voter does not submit an application to vote by post within the term provided for in subsection 50 (5) of this Act or does not send a ballot paper to the representation by the due date provided for in subsection 52 (2) of this Act, he or she may vote at the representation at a time determined by the representation.

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

(3) At a representation, 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 this envelope in another envelope. The voter or the person organising the voting shall write the name and personal identification code and the number of the electoral district 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 representation shall sign the list of voters voting at the representation against the receipt of a ballot paper.

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

(1) The ballot papers received by a representation shall be taken into account in the verification of 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 are 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 or 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 electronically 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 electronically, none of the envelopes with ballot papers of the voter as well as the electronically given vote shall be taken into account.

(4) The National Electoral Committee shall designate a county electoral committee for each electoral district which shall verify 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 shall be opened on election day in order to verify 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 division committees where the ballots are to be taken into account when the voting results are being verified pursuant to the provisions of subsections 48 (4)-(7) of this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

### **§ 56. 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 the Republic of Estonia which has voters on board is located in international waters or waters of a foreign state on advance polling 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. A voter shall vote on board a ship pursuant to the provisions of subsections 42 (3) and (4) of this Act. Upon verification of the voting results, votes cast on board a ship shall be taken into account pursuant to the provisions of subsections 55 (1) and (7) and subsections 48 (4)-(7) of this Act.

## **Chapter 9**

### **VERIFICATION OF VOTING RESULTS AND ELECTION RESULTS**

#### **§ 57. Verification of voting results in division committees**

- (1) A division committee shall open the ballot boxes used on election day after the close of voting. More than one-half of the members of the division committee shall be present at the opening.
- (2) Before the ballot boxes are opened, the division committee shall count and cancel all ballot papers that were not issued to voters and all spoiled ballot papers returned by voters. Ballot papers shall be cancelled by cutting off a corner of the ballot paper.
- (3) Before the ballot boxes are opened, the division committee shall use the polling list to verify the number of voters and the signatures given in receipt of a ballot paper and notations made to verify the number of those who participated in the voting and immediately forward them to the National Electoral Committee. Solely notations concerning electors who voted outside the polling division of their residence, electronically or at home made in the polling list 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.
- (5) The seal of the division committee shall be affixed to 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 seal of the division committee shall be affixed to the outside of ballot papers of voters who voted outside the polling division of their residence, and together with the ballot papers of persons who voted at the advance polls these ballot papers shall be placed, upon the compilation of the summary provided for in subsection 58 (4), among the ballot papers of persons who voted on election day.
- (7) The division committee shall verify the number of ballot papers extracted from the 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.
- (8) A ballot paper shall be deemed to be invalid if:
  - 1) it does not bear two seals of the division committee;
  - 2) no candidate registration number or more than one candidate registration number has been written on the ballot paper,
  - 3) the candidate whose number is written on the ballot paper is not standing in the electoral district;
  - 4) the candidate registration number written on the ballot paper has been changed;
  - 5) the candidate registration number written on the ballot paper is illegible.
- (9) If no candidate registration number has been written on a ballot paper but the will of the voter is clear and unambiguous, the ballot paper shall be deemed to be valid.
- (10) A standard format record shall be prepared concerning the verification 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 therein.
- (11) After verification of the voting results, valid ballot papers shall be packed by candidate. Invalid ballot papers, ballot papers which were not issued to voters and spoiled ballot papers returned by voters shall be packed separately. The polling division from which the ballot papers originate and the type and number of ballot papers in the pack shall be marked on the pack. The chairman of the division committee shall sign the label.
- (12) Ballot papers, polling lists, records concerning 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 verified in a division committee in public.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

- (1) A division committee shall open the ballot box used for advance polls to count the votes after 7 p.m. on election day. At least three members or alternate members of the committee shall be present at the opening.
- (2) The votes cast in the advance polls shall be counted in a room separate from the polling place.
- (3) The inner envelopes which contain the ballot papers of voters who voted outside the polling division of their residence shall be opened, and the ballots shall be taken into account when summaries are made concerning the results of the advance polls and they shall be kept separately from other ballot papers until the seal of the division committee is fixed to them.
- (4) A summary, signed by the chairman of the committee, shall be prepared concerning the results of the advance polls. The results of the advance polls shall be promptly delivered to the county electoral committee or the National Electoral Committee.
- (5) The results of the advance polls shall not be disclosed before 8 p.m.
- (6) The counting of votes cast at the advance polls in a polling division shall be public. Persons who are present at the counting of votes shall follow any oral orders given by members of the division committee. Persons who are present at the counting of votes shall not bring any means of communication into the room where the votes are counted or leave the room before 8 p.m.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

- (1) The county electoral committee designated in subsection 55 (4) of this Act shall begin counting the votes cast by voters permanently residing in a foreign state at 7 p.m. on election day. 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 a seal shall be affixed to 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. A ballot paper shall be declared invalid pursuant to the provisions of subsections 57 (8) and (9) of this Act.
- (4) The voting results of voters permanently residing in a foreign state shall not be disclosed before 8 p.m.
- (5) A standard format record shall be prepared concerning verification 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 therein.
- (6) The voting results of voters permanently residing in a foreign state shall be verified in public, taking into account the restrictions prescribed in subsection 58 (6) of this Act.

### **§ 60. Verification of voting results in county electoral committees**

- (1) On the basis of the records received from the division 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 paper extracted from the polling boxes including the number of invalid ballot papers and the number of votes cast for candidates and political parties. The result obtained shall be checked by recounting the ballot papers.
- (2) If the numbers obtained by recounting the ballot papers are different from the numbers in the records of a division committee, the county electoral committee shall set out the differences and the circumstances which caused such differences in the appendix to the record. The records of the division committee shall not be amended. The county electoral committee shall adopt a decision concerning the final voting results.
- (3) A county electoral committee shall prepare a record concerning voting results in the county, in each electoral district 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 therein.
- (4) Voting results shall be verified in a county electoral committee in public.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

### **§ 60<sup>1</sup>. Counting of electronically given votes**

- (1) National Electoral Committee shall verify the results of electronic voting after 7 p.m. on election day.
- (2) At least one-half of the members of the National Electoral Committee, including the Chairman or Deputy Chairman of the Committee shall be present at the counting of votes.
- (3) Voting results shall be verified in the National Electoral Committee in public, taking into account the restrictions provided for in subsection 58 (6) of this Act.
- (4) The results of voting shall not be disclosed before 8 p.m.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

- (1) On the basis of the records 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 electronically, the National Electoral Committee shall, for each electoral district, verify the number of voters entered in the polling lists, 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.
- (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 therein.
- (3) [Repealed - RT I 2006, 30, 231 – entered into force 14. 07. 2006]
- (4) The verification of voting results in the National Electoral Committee shall be public.

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

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

electoral district by the number of mandates in the district.

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

(3) In the lists of candidates of those political parties in an electoral district whose candidates receive at least 5 per cent of the votes nationally, the candidates shall be ranked according to the number of votes cast for each candidate. The votes cast for candidates standing in the list of candidates of the same political party in an electoral district shall be totalled. A list shall receive as many mandates as the number of times the number of votes it receives in the electoral district exceeds the simple quota. Mandates obtained pursuant to subsection (2) of this section are also deemed to be mandates of a political party. The number of mandates of a political party shall be increased by one if the remaining votes total at least 75 per cent of the simple quota. A political party shall also be given a mandate if the number of votes is at least 75 per cent of the simple quota. The candidates at the top of the list for whom the number of votes cast is at least 10 per cent of the simple quota are elected. If at least two candidates receive an equal number of votes, the candidate who is further towards the top of the national list of candidates shall be elected.

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

(5) The compensation mandates shall be divided according to the d'Hondt distribution method with the distribution series of 1, 2<sup>0.9</sup>, 3<sup>0.9</sup>, 4<sup>0.9</sup>, etc. In calculating the comparative figure of each party, as many first elements of the series shall be omitted as the number of mandates obtained by the party in the electoral districts. If the comparative figures of at least two political parties are equal, the political party whose candidates are further towards the bottom of the general list of candidates in the electoral district shall be given the mandate.

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

(7) If, upon the distribution of compensation mandates, it becomes evident that there are not enough candidates in the national list of candidates for whom the number of votes cast is at least 5 per cent of the simple quota of his or her electoral district, the candidate of the same list who has received the highest percentage of votes of the simple quota of his or her electoral district shall be given a compensation mandate. In the event of an equal number of votes, the candidate who is further towards the top of the submitted list shall be given a compensation mandate.

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

(9) If a resolution to register a candidate of a political party is revoked (subsection 32 (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 advance polls shall also be retained by the political party. If a resolution to register an independent candidate is revoked or if he or she dies, the votes cast for him or her shall not be taken into account in the verification of election results.

(10) 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 therein.

(11) Election results shall be verified in the National Electoral Committee in public.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

## Chapter 10

### SPECIFICATIONS FOR EXTRAORDINARY RIIGIKOGU ELECTIONS

#### § 63. Specifications for extraordinary Riigikogu elections

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

(2) The National Electoral Committee shall establish the following terms for acts concerning extraordinary elections to the Riigikogu:

- 1) submission of the number of Estonian citizens with the right to vote (subsection 7 (3));
- 2) amendment of the division of polling divisions (subsections 8 (3) and (4));
- 3) formation of division committees (§ 18);
- 4) sending of polling cards (§ 21);
- 5) submission of the list of political parties (subsection 26 (2));
- 6) nomination of candidates (§ 30);
- 7) registration of candidates (§ 32);
- 7<sup>1</sup>) time of advance polls (subsection 38 (2));

- 8) sending of polling cards to voters temporarily residing in a foreign state (subsection 49 (5));
- 9) submission of applications to representations to vote by post (§ 50);
- 10) receipt of ballot papers sent by post (subsection 52 (2));
- 11) the time of voting at a representation (subsection 54 (2)).

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

(4) In the event of extraordinary elections, voters shall be entered in the list of the polling division in the territory of which their residence, as entered in the population register, is located on the date elections are called. If the address details of the residence of a voter are entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, the voter shall be entered in the polling list of a polling division determined pursuant to clause 8 (2) 5) of this Act.

[RT I 2004, 6, 32, entered into force 14. 02. 2004]

## Chapter 11

### ELECTION EXPENDITURE

#### § 64. Expenditure relating to organisation of elections

- (1) Expenses incurred in the preparation and organisation of Riigikogu 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) Expenses 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.

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

- (1) A political party or an election coalition shall submit a report on the expenditure relating to its election campaign and the sources of the funds used (hereinafter report) to the Riigikogu committee specified in subsection 14 (2) of the Anti-corruption Act within one month after election day. The Riigikogu committee specified in subsection 14 (2) of the Anti-corruption Act shall disclose such reports.
- (2) If a person who stands as a candidate in the list of a political party incurs expenditure for the election campaign separately from the campaign expenditure of the political party, the report shall also contain information on these expenses. The provisions concerning the reports of political parties apply to the specified expenditure.
- (3) [Repealed - RT I 2003, 90, 601, entered into force 1. 01. 2004]
- (4) A report shall consist of a part which sets out the sources of funds and a part relating to the expenditure.

[RT I 2003, 90, 601, entered into force 1. 01. 2004]

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

- (1) A political party or an independent candidate shall set out the following in a report:
  - 1) the date of receipt of the funds;
  - 2) the type of funds;
  - 3) the value of the funds in kroons;
  - 4) the name and personal identification code or registry code of the person who allocated the funds.
- (2) The following are the types of funds received by a political party:
  - 1) membership fees established by the articles of association of the political party;
  - 2) donations by natural persons;
  - 3) allocations from the state budget;
  - 4) income earned on the assets of the political party;
  - 5) loan or credit received under the conditions provided in subsection 12<sup>1</sup> (4) of the Political Parties Act (RT I 1994, 40, 654; 1996, 37, 739; 42, 811; 1998, 59, 941; 1999, 27, 393; 2002, 21, 117; 29, 174; 42, 264; 57, 355; 102, 602; 2003, 4, 22; 90,

601).

(3) The following are the types of funds received by an independent candidate:

- 1) donations (monetary donations, non-monetary donations and activity support);
- 2) estate;
- 3) loans;
- 4) personal funds.

(4) Anonymous and concealed donations are prohibited.

[RT I 2004, 6, 32, entered into force 14. 02. 2004]

### **§ 67. Election campaign expenditure**

(1) A political party or an independent candidate shall set out the following in a report:

- 1) the date on which the expenditure is incurred;
- 2) the name and personal identification code or registry code of the beneficiary;
- 3) the number of the invoice which is the basis of the payment;
- 4) the type of expenditure;
- 5) the size of the payment in kroons.

(2) The types of expenditure are:

- 1) advertising expenses (expenses for publications, television advertising, radio advertising and advertising in newspapers and magazines shall be set out separately);
- 2) public relations expenses;
- 3) publication expenses;
- 4) transportation expenses;
- 5) rent expenses;
- 6) expenses for the organisation of public events;
- 7) communication expenses;
- 8) postal expenses;
- 9) other expenses.

(3) An expenditure report shall also set out information on outstanding contractual payments and unpaid invoices. A political party or an independent candidate shall submit an additional report on outstanding contractual payments and unpaid invoices.

## **Chapter 12**

### **COMPLAINTS**

#### **§ 68. Definition of complaint**

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

#### **§ 69. Requirements for complaint**

(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 on the resolution or a description of the act against which the complaint is filed;
- 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 filed by a political party shall be signed by an 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 §§ 70 and 71 of this Act, the body with which the complaint is filed may refuse to review the complaint and may return it to the complainant.

#### **§ 70. Procedure for filing complaint against act of division 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 division 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 inform the complainant of the date 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 acts prescribed in subsection 17 (2) of this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 71. Procedure for filing complaint against resolution or act of county electoral committee and for review of complaint**

(1) If an interested person finds that a resolution or act of a county electoral 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 division committee is dismissed by a county electoral committee may file a complaint against the act of the division 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 National Electoral Committee shall review the complaint and 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.

(4) The complaint shall be reviewed in public. The National Electoral Committee shall inform the complainant of the date and place of review of the complaint.

(5) 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.

(6) If the National Electoral Committee satisfies the complaint the committee may decide to perform acts prescribed in subsection 15 (2) of this Act.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### **§ 72. Filing of complaints against resolutions or acts of National Electoral Committee**

(1) If an interested person finds that an act of a division 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 2002, 29, 174; 2003, 4, 22; 24, 148).

(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.

### **§ 73. Invalidation of voting results**

(1) If the National Electoral Committee or the Supreme Court has declared the voting results in a polling division, 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 polling division, electoral district or county or in the city of Tallinn or Tartu or in the whole state. The results of Riigikogu elections shall be verified after the results of the repeat vote become clear.

(1<sup>1</sup>) Repeat vote shall not be held if the National Electoral Committee has declared the results of electronic voting invalid and invited the persons who voted electronically to vote on election day pursuant to the procedure provided for in articles 39 or 46 of this Act.

(2) The provisions of §§ 40-45 and 47 and Chapter 8 of this Act do not apply to a repeat vote.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

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

### **RESPONSIBILITY**

[RT I 2003, 26, 156, entered into force 21. 03. 2003]

### **§ 73<sup>1</sup>. Failure to submit information or materials or to comply with resolution of electoral committee**

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

(2) The provisions of the Penal Code (RT I 2001, 61, 364; 2002, 82, 480; 86, 504; 105, 612; 2003, 4, 22) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654) apply to misdemeanours provided in subsection (1) of this section.

(3) Police prefectures shall conduct extra-judicial proceedings in the matters of misdemeanours provided in subsection (1) of this section.

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

(1) Violation of the restrictions established on political outdoor 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 50,000 kroons.

(3) Pursuant to the procedure provided for in this Act, the following shall be responsible for the failure to fulfil the requirements established on political outdoor advertising or violation of the established restrictions, as the publishers of advertising:

1) party who orders advertising if the advertising ordered by him/her violates the requirements or restrictions established for advertising pursuant to this Act, except in cases provided for in clauses 2 and 4 of this section;

2) mediator or producer of advertising, if his/her activities violate the requirements or restrictions established for advertising pursuant to this Act;

3) person who presents advertising to the public, person who exhibits advertising to the public or person who transmits advertising to the public, if his/her activities violate the restrictions established for advertising pursuant to this Act;

4) the advertisers mentioned in clauses 1–3 of this section solidarily if their activities violate the requirements or restrictions established for advertising pursuant to this Act and it is impossible to identify their separate liabilities.

(4) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40; 46, 329; 54, 387; 56, 401; 88, 600; 2005, 20, 126) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; RT III 2004, 9, 96; RT I 2004, 46, 329; 54, 387 and 390; 56, 403) apply to the misdemeanour provided in subsection (1) and (2) of this section.

(5) A police prefecture is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in subsections (1) and (2) of this section.

(6) County or city courts shall hear misdemeanour matters provided for in subsections (1) and (2) of this section.

[RT I 2005, 37, 281, entered into force 10. 07. 2005]

### **§ 73<sup>3</sup>. Taking ballot papers outside the polling place**

(1) Violation of prohibition to take ballot papers outside the polling place is punishable by a fine of up to 20 fine units.

(2) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the misdemeanour provided in subsection (1) of this section.

(3) Police prefectures shall conduct extra-judicial proceedings in the matters of misdemeanours provided in subsection (1) of this section.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

## Chapter 13

### FINAL PROVISIONS

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

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

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

(3) The election results are deemed to be declared on the 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*.

#### § 75. Registration of alternate members of Riigikogu

(1) The National Electoral Committee shall register alternate members of the Riigikogu by a resolution. The National Electoral Committee shall forward the resolution to the Board of the Riigikogu.

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

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

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

#### § 76. Registration of additional mandates

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

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

(3) If at least two comparative figures are equal, the comparative figure of the political party which received more votes from voters shall receive a higher ranking. If the number of votes of political parties is equal, the political party or election coalition whose candidates are further towards the bottom of the general list of candidates in the electoral district shall receive a higher ranking.

[RT I 2006, 30, 231, entered into force 14. 07. 2006]

#### § 77. Return of security

Security shall be returned to an independent candidate or a political party if the candidate is elected or receives votes to the extent of at least one-half of the simple quota in the electoral district or if the candidates of the political party receive at least 5 per cent of the votes nationally. The National Electoral Committee shall transfer unreturned security into the public revenues.

#### § 78. Implementation of electronic voting

Electronic voting shall not be implemented before 2005.

§§ 79–85 [Not included in the current text]

#### § 86. Entry into force of Act

This Act enters into force on the tenth day after publication in the *Riigi Teataja*, except for §§ 75 and 79 which enter into force on 2 March 2003.

Source: Estonian Legal Language Centre