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Riigikogu Election Act

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18.12.2003	RT I 2003, 90, 601	01.01.2004
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24.03.2004	RT I 2004, 22, 148	08.04.2004
22.09.2004	RT I 2004, 71, 501	29.10.2004
09.06.2005	RT I 2005, 37, 281	10.07.2005
07.06.2006	RT I 2006, 30, 231	14.07.2006
14.06.2007	RT I 2007, 44, 316	14.07.2007
11.12.2008	RT I 2009, 2, 5	16.01.2009
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06.05.2009	RT I 2009, 27, 165	01.01.2010
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19.05.2010	RT I 2010, 29, 150	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
13.06.2012	RT I, 10.07.2012, 3	01.04.2013
17.10.2012	RT I, 01.11.2012, 1	11.11.2012
22.01.2014	RT I, 05.02.2014, 1	01.04.2014, partially as of the beginning of authority of XIII composition of the Riigikogu.
19.06.2014	RT I, 11.07.2014, 1	21.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015, partially on the date following its publication in the Riigi Teataja.
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107^3 (4) of the Government of the Republic Act in the wording in force as of 1 July 2014.
13.04.2016	RT I, 06.05.2016, 1	01.01.2017, partially 16.05.2016

12.10.2016	RT I, 25.10.2016, 1	26.10.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
25.10.2017	RT I, 17.11.2017, 1	01.01.2019
13.06.2018	RT I, 09.07.2018, 1	01.01.2021
11.12.2019	RT I, 03.01.2020, 2	13.01.2020

Chapter 1
GENERAL PROVISIONS

§ 1. 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 determined based on the principle of proportionality.

§ 2. Time of regular elections

(1) Regular elections to the Riigikogu shall be held on the first Sunday in 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 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 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 does not have the right to stand as a candidate.

(6) A person in active service in the Defence Forces or a person who has been convicted of a criminal offence by a court and is serving a prison sentence shall not stand as a candidate for election to the Riigikogu.
[RT I, 10.07.2012, 3 - entry into force 01.04.2013]

Chapter 2

CAMPAIGNING

§ 5. Restriction on campaigning

(1) [Repealed - RT I, 03.01.2020, 2 - entry into force 13.01.2020]

(2) [Repealed - RT I, 03.01.2020, 2 - entry into force 13.01.2020]

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

§ 5[1]. Prohibition of political outdoor advertising

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

Chapter 3
ELECTORAL DISTRICTS

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

§ 6. Electoral districts

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

§ 7. Distribution of mandates between electoral districts

(1) The National Electoral Committee shall, by a resolution, distribute 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 responsible for the area shall submit the number of voters by county, and by city district in Tallinn, to the National Electoral Committee within three working days as of the calling of elections.

(4) The National Electoral Committee shall promptly disclose the resolution specified in subsection (1) of this section.
[RT I 2004, 22, 148 - entry into force 08.04.2004]

§ 8. Formation of voting districts

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

Chapter 4

ELECTORAL MANAGEMENT

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

Division 1
National Electoral Committee

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

§ 9. Competence of National Electoral Committee

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

(2) For the performance of their functions, the National Electoral Committee has the right:
1) to issue precept to the elections manager for the protection of the principles provided for in § 1 of this Act or ensuring the subjective rights of a person;
2) to annul the votes cast in the advance voting partially or in full due to material violation of the law and call on the voters to vote again during advance voting or on the election day;
3) to declare the voting results in a voting district, rural municipality, city, electoral district or the state invalid or to declare the electronic voting results invalid in full or partially and to hold a repeat vote if the violation significantly affected or could have significantly affected the voting results;
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]
4) not to start electronic voting or to terminate electronic voting if the security or reliability of the electronic voting system cannot be insured in such way that electronic voting could be conducted pursuant to the requirements of this Act;

(3) To resolve an issue within the competence of the National Electoral Committee, the National Electoral Committee shall adopt a resolution which shall be signed by the Chairman of the Committee. A resolution shall enter into force upon signature.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 10. Formation of National Electoral Committee

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

(2) The National Electoral Committee comprises the following members:
1) a judge of a court of first instance appointed by the Chief Justice of the Supreme Court;
2) a judge of a court of 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 Government Office appointed by the State Secretary.
7) an information systems auditor appointed by the management board of the Board of Auditors.

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

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

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

(6) The Chief Justice of the Supreme Court may appoint a judge as a member of the National Electoral Committee only with the consent of the judge and after considering the opinion of the chief judge of the court.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 11. Member of National Electoral Committee

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

(2) The authority of a member of the National Electoral Committee shall terminate prematurely:
1) due to his or her resignation;

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

(3) A member of the National Electoral Committee may be released from his or her duties as a member of the National 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 National Electoral Committee.

(4) A member of the National Electoral Committee shall be impartial and independent in the performance of his or her duties.

(5) A member of the National Electoral Committee shall not campaign for or against political parties or candidates.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 12. Working procedures of National Electoral Committee

(1) The work format of the National Electoral Committee shall be a meeting, which shall be convened by the Chairman of the Electoral Committee or, in his or her absence, by the Deputy Chairman, and in the absence of both the Chairman and the Deputy Chairman, by the youngest member of the Electoral Committee.

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

(3) The meeting of the National Electoral Committee shall be public and minutes thereof shall be taken.

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

(5) The National 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) The National Electoral Committee shall establish its working procedure by a resolution.

(7) 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.

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

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

Division 2
Elections Managers

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

§ 13. Elections managers

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

(2) The procedure for appointment to office and substitution of a rural municipality and city secretary shall be provided for in the Local Government Organisation Act.

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

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

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

(6) A person managing elections and a person who provides assistance to him or her shall be independent in the performance of his or her duties and he or she shall not campaign for or against political parties or candidates.

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

§ 14. State Electoral Office

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

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

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

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

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

§ 15. Competence of State Electoral Office

(1) The function of the State Electoral Office is:
1) to ensure the holding of the elections in accordance with law, to organise electronic voting and ascertain the results of electronic voting;
1^{1}) to ensure electronic use of the list of voters while holding voting;
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
2) to exercise supervision over the activities of the elections managers;
3) to organise the development and management of the technical solutions necessary for the performance of the duties arising from the electoral acts;
4) to perform other duties arising from this Act.

(2) For the performance of their functions, the State Electoral Office:
1) shall give written instructions to the elections managers for ensuring the uniformity of elections;
2) shall issue oral and written orders to the elections managers, which are mandatory for performance;
3) shall draw up a draft budget for the preparation and holding of the elections;
4) shall distribute among the local authorities, upon approval of the National Electoral Committee, the funds allocated for holding of the elections and establish the procedure for using the funds allocated to the rural municipality and city secretaries and voting district committees;
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]
5) shall ensure the availability of the inventory and services necessary for holding of the elections and manage the election information system and the information system of the electronic list of voters;
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

5[1]) shall establish the procedure for forwarding of the election equipment and envelopes with the ballot papers of voters who vote outside the electoral district of their residence to the voting district committees, and the distribution areas thereof;
[RT I, 09.07.2018,1 – entry into force 01.01.2021]
5[2]) shall establish the procedure for use and preservation of the election equipment;
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]
6) shall instruct and train the elections managers;
7) may remove a person managing elections who has violated the law or an order of the State Electoral Office from the holding of the elections;
8) if necessary, shall make a proposal to the National Electoral Committee for adopting of the resolutions provided for in clauses 9 (2) 2)–4) of this Act.

(3) The Head of the State Electoral Office shall sign a written order of the State Electoral Office. A written order shall enter into force upon signature thereof.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 16. County head of elections

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

§ 17. Competence of county head of elections

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

§ 17[1]. Competence of rural municipality or city secretaries

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

(2) For the performance of his or her functions, a rural municipality or city secretary:
1) shall issue mandatory instructions to the voting district committees;
2) shall decide on the costs of a voting district committee based on the amount of the funds allocated by the State Electoral Office;
3) shall decide on the remuneration of a member of a voting district committee on the proposal of the chairman of a voting district committee;
4) shall decide on the remuneration of the members of a vote counting committee.

(3) Clerical support to a rural municipality or city secretary shall be organised by the rural municipality or city government. Tallinn City secretary may authorise also other city officials or employees to perform the duties related to management of their elections, notifying the State Electoral Office thereof.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 18. Assistance to elections managers

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

(2) The elections manager has the right to address state or local government bodies, administrative agencies or other agencies in writing regarding issues concerning the organisation of elections. An answer shall be provided to an inquiry made by the elections manager within three working days as of the receipt thereof.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 19. Formation of voting districts

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

(2) The rural municipality or city government shall determine the following by a regulation not later than on the fiftieth day before election day:
1) the number and numeration of the voting districts and the types of voting managed by each district;
2) the locations of polling places on the advance voting days and on the election day;
3) one voting district where voters can vote from the sixth until the third day before the election day. More than one voting district may be determined with the permission of the State Electoral Office.

(3) Voting districts are permanent. Voting shall be held in the same voting districts for the Riigikogu, municipal council and European Parliament elections, and referendums, unless the rural municipality or city

government determines otherwise and amends the regulation specified in subsection (2) of this section. The rural municipality or city government shall notify the State Electoral Office immediately of any amendments.

(4) A polling place or polling places may be situated in different locations on each day of the advance voting. With the permission of the State Electoral Office, the rural municipality or city government may determine that more than one polling place is open on the same advance voting day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 19[1]. Formation of voting district committee

(1) In order to hold voting in a voting district, the municipal council (hereinafter *council*) shall form a voting district committee comprising at least five members.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

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

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

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

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

(9) A voting district committee shall elect a deputy chairman of the voting district committee from among its members.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 19[2]. Competence of voting district committee

The function of a voting district committee is to hold voting within a voting district at polling places, the residence or location of voters, in custodial institutions, hospitals and twenty-four hour social welfare institutions, to ascertain voting results in the voting district and perform other functions arising from this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 19[3]. Working procedures of voting district committee

(1) Unless a member of a voting district committee is able to perform his or her duties, he or she shall be substituted upon a notice of the chairman of a voting district committee by an alternate member who shall have all the rights and obligations of the member of a voting district committee, except the rights and obligations of the chairman or deputy chairman. With the permission of a rural municipality or city secretary, also another person may participate in the work of a voting district committee in exceptional cases.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(2) Clerical support to a voting district committee shall be organised by the rural municipality or city government.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 19[4]. Election observation

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

(2) An observer must introduce himself or herself before the commencement of the observation.

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

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

(5) An observer shall have no right to examine the list of voters, except in order to verify the accuracy of the information entered in the list of voters regarding him or her.

(6) If, due to shortage of space, it is impossible to ensure equal conditions to all observers for monitoring the procedure, the observation shall be carried out pursuant to the orders of the National Electoral Committee or the elections manager.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

Chapter 5
REGISTRATION OF VOTERS

§ 20. Registration of voters

(1) Voters 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 regarding a person as entered in the population register:
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
1) given name and surname;
2) date of birth;
3) personal identification code;
4) information on citizenship;
5) information on divestment of active legal capacity;
6) residential address;
[RT I, 17.11.2017, 1 - entry into force 01.01.2019]
7) address of the place of stay.
[RT I, 17.11.2017, 1 - entry into force 01.01.2019]

(4) A rural municipality or city secretary may authorise an official or employee of the rural municipality or city government or its division to perform the functions of a rural municipality or city secretary provided for in this Chapter, notifying thereof the controller of the population register.
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(5) A complaint may be filed with an administrative court of the complainant's residence against the acts of a rural municipality and city secretary provided for in this Chapter.
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 21. Notification of voters about voting possibilities

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

(1) The controller of the population register shall organise the preparation and sending of election information sheet not later than on the tenth day before the election day. The information sheet shall be sent electronically to voters who have an e-mail address registered in the data portal of Estonia or entered in the population register.

(2) The following shall be entered in the election information sheet:
1) information concerning the conditions of the right to vote;
2) information concerning the voting possibilities in the rural municipality or city;
3) other information concerning the voting.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 22. List of voters

(1) The controller of the population register shall organise the preparation of the list of voters on the basis of the information in the population register and shall send it to the State Electoral Office not later than on the twenty-fifth day before the election day.

(2) The basis for maintenance of the list of voters shall be the information prescribed in subsection 20 (3) of this Act, as at the thirtieth day before the election day. Upon maintenance of the list of voters, any changes made to the information specified in clauses 20 (3) 1)–5) of this Act after the thirtieth day before the election day shall

also be taken into account. Any changes made to the residential address and address of the place of stay after the thirtieth day before the election day shall not be taken into account.

(3) Information concerning a person shall not be entered in a list of voters if he or she has been convicted of a criminal offence by a court pursuant to information held in the criminal records database and if, as at the thirtieth day before election day, he or she is to be imprisoned until election day.

(4) The residential address of a voter as entered in the population register as at the thirtieth day before the election day shall be entered in the list of voters. If the residential address of the voter is not entered in the population register and there is an address of the place of stay, the place of stay of the voter shall be entered in the list of voters. 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 information on the residence of a voter to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, shall be entered in the list of voters.

(5) The following information on each voter shall be entered in the list of voters:
1) given name and surname;
2) personal identification code;
3) residential address or address of the place of stay;
4) number of electoral district on the basis of the address information specified in subsection (4) of this section on the thirtieth day before the election day;
5) a notation regarding the issue of a ballot paper to the voter and information on the time and place of voting.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 23. Accessibility of lists of voters

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

(2) After the election day, the authorised representatives of political parties and independent candidates and their authorised representatives may, in the event of justified interest, examine the lists of voters to the extent necessary at the location of the State Electoral Office, and the lists may also be used for scientific purposes.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

(2) The rural municipality or city secretary shall promptly review the application together with the controller of the population register and shall respond to the applicant. If an error is corrected, the controller of the population register shall send the correction to the State Electoral Office.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 25. Making amendments to list of voters

(1) Amendments shall be made to a list of voters only if:
1) a person who has not been entered in the list of voters but who has the right to participate in the voting pursuant to this Act is to be entered in the list;
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
2) a person who does not have the right to participate in the voting shall be deleted from the list.

(2) In order to amend a list of voters, a person shall submit an application in order 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 controller of the population register and shall promptly respond to the person. If the register information of the population register which is the basis for the registration of voters is amended such that this brings about an amendment to the list of voters, the controller of the population register shall send the amendment to the State Electoral Office.
[RT I, 09.07.2018, 1 - entry into force 01.01.2021]

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

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

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

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

(7) The administrative court shall make one of the following judgments:
1) to dismiss the complaint;
2) to satisfy the complaint and issue a precept to the rural municipality or city secretary to arrange that the person be entered in the population register or to amend the register information which is the basis for the registration of voters.

(8) If the administrative court satisfies the complaint, the person shall be promptly entered in the population register or the information pertaining to him or her shall be amended.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

Chapter 6
NOMINATION AND REGISTRATION OF CANDIDATES

§ 26. Political party

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

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

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

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

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

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

§ 27. Independent candidate

(1) A 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.

§ 27[1]. Documents for standing as candidate

The State Electoral Office shall prepare and publish the sample documents for standing as a candidate and provide an opportunity to submit the documents for standing as a candidate using electronic means.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 28. Application to stand as candidate

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

(1) In an application to stand as a candidate, a person 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) submit the data provided for in subsection (2) of this section.

(2) A candidate shall submit in an application to stand as a candidate the following information:
1) given name and surname;
2) personal identification code;
3) membership of a political party;

4) residential address;
5) telecommunications numbers;
6) contact details;
7) information concerning the education;
8) place of employment and position.

(3) The State Electoral Office shall publish the information provided for in clauses (2) 1), 3), 6), 7) and 8) of this section.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

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

(5) A candidate shall sign an application to stand as a candidate.
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

§ 29. List of candidates

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

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

(7) The order of candidates in the list 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 present its candidates after the submission of the 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 State Electoral Office:
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]
1) an application for the registration of candidates;
2) the lists of candidates in electoral districts;
3) the national list of candidates;
4) a copy of the payment order certifying the payment of security;
5) an application to stand as a candidate of each candidate.
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(4) An independent candidate shall submit the following to the State Electoral Office:
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]
1) an application for the registration of the candidate;
2) a copy of the payment order certifying the payment of security;
3) an application to stand as a candidate.
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(5) Before nominating candidates, a political party or an independent candidate shall deposit an amount, the size of which is equal to the minimum monthly wage as established by the Government of the Republic in the year when the elections are declared, for each person nominated, in the current account of the Ministry of Finance as the security.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 31. Acceptance and return of documents

(1) The State Electoral Office shall maintain records concerning the nomination of candidates.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

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

(3) If all the required documents have not been submitted to the State Electoral Office, the submitted documents contain errors or omissions, the person who accepts the documents shall propose to the person submitting the documents to submit the required documents or data or to correct the errors. All submitted documents shall be returned.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(4) If a political party or an independent candidate wishes to make amendments to the registration documents of candidates, the State Electoral Office shall return all the documents submitted and, upon re-submission thereof, the documents shall be deemed to have been submitted for the first time.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(5) If a candidate is deleted from the list of nominated candidates on the basis of a personal application, the State Electoral Office shall return an application to stand as a candidate to him or her and inform an authorised representative of the political party or independent candidate thereof. The political party is not required to re-submit the registration documents of candidates.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(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 that the documents submitted contain errors which cannot be corrected immediately, the documents shall be accepted. The person who accepts the documents shall propose to the person submitting the documents to submit the missing documents or data or to correct the errors. In such case, the political party or independent candidate shall perform the required acts not later than before 6 p.m. on the forty-third day before election day.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 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 drawing lots.
[RT I 2004, 71, 501 - entry into force 29.10.2004]

(3) If, within the term specified in subsection 31 (6) of this Act, the person submitting the documents has failed to submit the missing documents or data or to correct the errors in the documents for standing as a candidate, the National Electoral Committee shall not register:
1) any of the candidates nominated by a political party if a document specified in clauses 30 (3) 1), 2), 3) or 4) of this Act is missing or it contains material deficiencies;
2) a candidate who documents or data are missing or whose documents contain material deficiencies;
3) a candidate who does not comply with the requirements prescribed in subsections 4 (4)–(6) and 29 (5) of this Act.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(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 by the thirteenth day before election day.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 33. Consolidated list of candidates in electoral district

(1) After the registration of candidates, the State Electoral Office shall prepare a consolidated list of candidates in an electoral district.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

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

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

(4) The State Electoral Office shall inform the rural municipality and city secretaries, and foreign missions organising voting in foreign states of all corrections and amendments to consolidated lists of candidates in electoral districts, and they shall make the corresponding corrections or amendments to the consolidated lists of candidates. The consolidated lists of candidates shall not be amended after the thirteenth day before election day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

Chapter 7
VOTING PROCEDURE

§ 34. Polling place

(1) Voting in a voting district shall be held at a polling place or polling places designated by the rural municipality or city government. Different polling places may be designated for voting on the election day and on advance voting days.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) A polling place shall have places for the distribution of ballot papers, voting booths and a ballot box.
A polling place where voting outside the electoral districts of the residences of voters is held, shall have a separate voting booth and ballot box for the voters who vote outside the electoral district of their residence. The consolidated list of candidates in the electoral district of the location and the national lists of candidates shall be posted in the polling place.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

§ 35. Voting booth

(1) A voting booth shall enable secret ballot.

(2) A voting booth shall have a table and a writing instrument. The consolidated list of candidates in the electoral district of the location shall be placed on the wall of the voting booth, except in a booth designated for voters voting outside the electoral district of their residence.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 36. Ballot box

(1) Voting district committees shall inspect and seal ballot boxes before the voting opens.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

§ 37. Ballot paper

(1) The National Electoral Committee shall establish the standard format of ballot papers and electronic votes.

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

(3) After the receipt of ballot papers, a voting district committee shall put an impression of the seal of the voting district committee on the ballot papers. The State Electoral Office shall put an impression of the seal on ballot papers used for voting in foreign states.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 38. Time of voting

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

(2) Advance voting shall be held:
1) from the sixth day to the third day before the election day in a voting district designated on the basis of clause 19 (2) 3) of this Act. Voting shall open at noon and close at 8 p.m.;
2) from the second day to the first day before the election day in all voting districts. Voting shall open at noon and close at 8 p.m.;
3) from the sixth day to the third day before the election day at the location of a voter, in custodial institutions, hospitals and twenty-four hour social welfare institutions between 9 a.m. and 8 p.m.;
4) from the sixth day to the first day before the election day by electronic means. Voting shall open at 9 a.m. on the sixth day before election day and shall last twenty-four hours a day until 8 p.m. on the day before the election day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(3) Home voting shall be held from 9 a.m. to 8 p.m. on the second and on the first day before the election day and on the election day in the cases prescribed by this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 39. Voting

(1) A voter shall vote in the voting district located in the territory of the electoral district of his or her residence, except in the cases prescribed in §§ 41–43, 45 and 47 and in Chapter 7^1 and 8 of this Act.

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

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

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

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

(6) 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.

(7) 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 electoral district of his or her residence, may do so at his or her request and in his or her presence.

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

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

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

(11) If the voter returns the ballot paper and abstains from voting, the member of the voting district committee shall remove the notation concerning the issue of the ballot paper to the voter from the list of voters.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 40. Advance voting

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

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

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

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

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

§ 41. Specifications for advance voting held outside electoral district of residence

[RT I, 09.07.2018, 1 - entry into force 01.01.2021]
At the time specified in clause 38 (2) 1) of this Act, voters may vote outside the electoral district of their residence in a voting district designated by the rural municipality or city government. The rural municipality or city government may designate a voting district committee to organise voting only at the location of a voter (§ 43), in custodial institutions, hospitals and twenty-four hour social welfare institutions (§ 45).
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

(1) A voter who wishes to vote in a polling place outside the electoral district of his or her residence shall present an identity document to a member of the voting district committee.

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

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

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

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

(6) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope in the other envelope given to him or her by the member of the voting district committee. The voting district committee shall write the information concerning the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the electoral district of their residence.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

(1) If a voter who wishes to vote outside the electoral district of his or her residence 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, until 2 p.m. on the third day before the election day, submit a written application for voting at his or her location to the rural municipality or city government of his or her location or to a voting district committee prescribed in § 41 of this Act. The voting district committee shall register the application. The rural municipality or city government shall register the application and forward the application to the appropriate voting district committee.

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

§ 44. Electronic voting

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

§ 45. Voting in custodial institutions, hospitals and twenty-four hour social welfare institutions

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

(1) Voting in custodial institutions, hospitals and twenty-four hour social welfare institutions shall be held on the days prescribed in clause 38 (2) 3) of this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

§ 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 until 2 p.m. on the election day.

(3) A voter may submit an application to vote at home also by phone from noon to 8 p.m. on the second and the first day before the election day and from 9. a. m. to 2 p.m. on the election day.

(4) An application to vote at home shall include the following:
1) name of voter;
2) personal identification code of voter;
3) address of voter;
4) telecommunications numbers of voter;
5) reason for voting at home.

(5) An application for voting at home shall be registered. If the voting district committee finds that the application is unsubstantiated, the committee shall notify the applicant of the circumstances for dismissal of the application.

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

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

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

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

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

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

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

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

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

(7) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope in the other envelope given to him or her by the member of the voting district committee. The voting district committee shall write the information concerning the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the electoral district of their residence.

(8) Upon the ascertaining of the voting results, votes cast pursuant to the procedure prescribed in subsection (1) of this section shall be taken into account pursuant to the provisions of subsection 48 (1) and subsections 55 (3)–(5) of this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 47[1]. Voting without using the list of voters

(1) Where it is not possible to use a list of voters, the voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope in the other envelope given to him or her by the member of the voting district committee. The voting district committee shall write the information concerning the voter on the outer envelope.

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

(3) If it turns out as a result of checking that the voter has the right to vote:
1) the outer envelope with the ballot paper of the voter who voted in the electoral district of his or her residence shall be opened and the inner envelope shall be deposited in the ballot box of the voters who voted in accordance with their residence;
2) the envelope with the ballot paper of the voter who voted outside the electoral district of his or her residence shall be deposited in the ballot box of the voters who voted outside the electoral district of their residence.

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

(5) If the voter is not in the list of voters, if the voter has already voted according to the list of voters, or if the voter has voted outside the electoral district of his or her residence after the time limits specified in clause 38 (2) 1) or 3) of this Act, the envelope containing the ballot paper of the voter shall not be taken into account.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

(2) For every electoral district, the State Electoral Office shall appoint a vote counting committee that shall ascertain the voting results of the voters who voted outside the electoral district of their residence.

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

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

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

(6) After performing the acts prescribed in subsections (4) and (5) of this section, the vote counting committee shall open the outer envelopes and deposit the inner envelopes with ballot papers until the start of ascertaining of the voting results.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 48[1]. Taking votes cast using electronic means into account

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

Chapter 7[1]
ELECTRONIC VOTING

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

§ 48[2]. General principles of electronic voting

(1) The electronic voting system administered by the State Electoral Office shall be used in electronic voting.

(2) A voter shall vote himself or herself. Under the conditions prescribed in this Act, a voter may change his or her vote cast by electronic means.

(3) The National Electoral Committee shall establish by a resolution:
1) the technical requirements for ensuring the general principles of the organisation of electronic voting;
2) the description of the organisation of electronic voting.

(4) The State Electoral Office shall:
1) approve the information security policy of the the electronic voting system, the electronic voting protocol suite and the technical guidelines for the electronic voting system;
2) organise the resolution of incidents hindering electronic voting pursuant to law;
3) approve the schedule and scope of testing the electronic voting system and the results of the testing and publish a report on the results;
4) organise the auditing of the electronic voting system in the course of which an information systems auditor shall audit the testing of the electronic voting system, the integrity of the system and the compliance of the acts of the State Electoral Office with the law, the resolutions of the National Electoral Committee adopted on the basis of subsection (3) of this section and the electronic voting documentation.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 48[3]. Preparation of electronic voting

(1) The State Electoral Office shall make the electronic voting system ready not later than by the tenth day before the election day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) The State Electoral Office shall organise the entry of the amendments of the list of voters in the electronic voting system at least once a day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

(6) Prior to the start of electronic voting, the State Electoral Office shall publish the voter application, the votes verification application and the information necessary for ensuring the authenticity and integrity of the website.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 48[4]. Electronic voting procedure

(1) A voter may vote using electronic means on the days prescribed in clause 38 (2) 4) of this Act using the system provided for in subsection 48[2](1) of this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) A voter shall be identified in the electronic voting system using electronic means pursuant to the procedure described in the decision provided for in clause 48[2](3) 1) of this Act.

(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.

(4) The voter shall indicate the candidate in the electoral district of his or her residence for whom he or she wishes to vote. The application used for electronic voting shall encrypt the voter's vote using the vote-encryption key. The voter shall confirm the vote by a digital signature in conformity with the requirements of the Electronic Identification and Trust Services for Electronic Transactions Act.
[RT I, 25.10.2016, 1 - entry into force 26.10.2016]

(5) A notice that the vote has been taken into account shall be displayed to the voter after the voting is confirmed.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 48[5]. Change of electronic votes

A voter has the right to change his or her vote cast by electronic means:
1) by voting again using electronic means at the time prescribed in clause 38 (2) 4) of this Act;
2) by voting with a ballot paper until 8 p.m. on the election day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 48[6]. Verification of electronic votes

(1) A voter has an opportunity to verify whether the application used for electronic voting has transferred the vote cast by the voter to the electronic voting system according to the voter's wish.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012, not implemented before 2015]

(2) The State Electoral Office shall develop the vote verification application pursuant to the requirements of the National Electoral Committee established on the basis of clause 48[2](3) 1) of this Act. The voter may verify the vote for a limited time a limited number of times pursuant to the requirements provided for on the basis of clause 482 (3) 1) of this Act.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 48[7]. Taking into account of electronic votes

(1) In case of several votes cast using electronic means (clause 48[5]1)), the last vote cast by the voter shall be taken into account.

(2) If a voter has voted using electronic means as well as with a ballot paper, the ballot paper of the voter shall be taken into account.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 48[8]. Suspension, termination and not starting electronic voting

(1) In case of suspension of electronic voting, the National Electoral Committee shall promptly notify the voters of the suspension and restarting of electronic voting.

(2) In case of not starting or termination of electronic voting, the National Electoral Committee shall promptly notify the voters thereof and provide the information which types of voting can be used instead of electronic voting.

(3) In case the suspension or termination of electronic voting is accompanied by the annulment of the votes cast using electronic means, the National Electoral Committee shall promptly notify the voters of the necessity to vote again and the types of voting that can be used for this purpose.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

Chapter 8
VOTING IN FOREIGN STATE

§ 49. Preparation for voting

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

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

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

(4) An election information sheet shall be sent electronically to voters permanently residing in the foreign state and voters temporarily staying there pursuant to the data of the population register, to their e-mail address registered in the data portal of Estonia or entered in the population register, not later than on the sixtieth day before the election day.

(5) The following shall be entered in the election information sheet:
1) information concerning the conditions of the right to vote;
2) the number and description of the electoral district pursuant to § 6 of this Act;
3) address of foreign mission;
4) procedure for submitting an application to vote by post, for voting by post and for voting at a foreign mission;
5) due date for receipt by foreign mission of applications to vote by post;
6) due date for receipt by foreign mission of ballot papers sent by post;
7) time of voting at foreign mission;
8) time of electronic voting;
9) other information concerning voting.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

§ 50. Submission of applications to vote

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

(2) A voter who has been entered in the list of voters shall:
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
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 shall:
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
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 to the application;
2) indicate his or her residential address in the foreign state;
3) indicate his or her last residence in Estonia (the county, the city district in Tallinn, or the city of Tartu). If a voter permanently residing in a foreign state has not had a residence in Estonia, he or she shall indicate the last residence of his or her parents or grandparents in Estonia.

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

(5) Applications shall have been received by the foreign mission not later than on the thirtieth day before election day.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

§ 51. Sending of election documents to voter

(1) At the earliest possible opportunity, a foreign mission shall send the following to voters who sent their applications in due time and who comply with the requirements of this Act:
1) a ballot paper;
2) the consolidated list of candidates in the electoral district pursuant to the information in the list of voters or in accordance with clause 50 (3) 3) of this Act;
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
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 - entry 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 foreign mission. The voter shall place this envelope

in the other envelope sent by the foreign mission. The information pertaining to the voter shall be written on the outer envelope. Thereafter the voter shall send the ballot paper to the foreign mission.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) Ballot papers sent by post shall have been received by the foreign mission on the day determined by the foreign mission, which shall be determined such that the State Electoral Office will receive the ballot papers not later than on the fourth day before election day.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(3) The foreign mission shall make a notation concerning the voting in the list of voters based on the ballot paper received by the due date specified in subsection (2) of this section.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(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

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

§ 54. Voting at foreign missions

(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 foreign mission by the due date provided for in subsection 52 (2), he or she may vote at the foreign mission at the time determined by the foreign mission.

(2) A foreign mission shall allow voting at the mission at least on two days during the period between the fifteenth day and tenth day before the election day.

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

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

(5) At a foreign mission, a voter shall complete a ballot paper pursuant to the provisions of this Act. Thereafter the voter shall place the completed ballot paper in an envelope. The voter shall place the envelope in another envelope. The person managing the voting shall write the information pertaining to the voter on the outer envelope.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

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

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

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

(6) Not later than on the day before the election day, the State Electoral Office shall forward the envelopes with the ballot papers of voters temporarily staying in a foreign state to the vote counting committee specified in subsection 48 (2) of this Act, where the ballot papers are to be taken into account upon ascertaining the voting results pursuant to the provisions of subsections 48 (4)–(6) of this Act.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

Chapter 9
ASCERTAINING OF VOTING RESULTS AND ELECTION RESULTS

§ 57. Ascertaining of voting results in voting district committee

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

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

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

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

(5) An impression of the seal of the voting district committee shall be put on the outside of ballot papers of home voters and ballot papers deposited in the ballot box pursuant to clause 471 (3) 1) of this Act, and the ballot papers shall be placed among the ballot papers of voters who voted at the polling place.

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

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

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

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

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

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

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

§ 57[1]. Ascertaining of voting results of voters who voted outside electoral district of their residence

(1) The vote counting committee specified in subsection 48 (2) of this Act shall organise the counting of votes and decide on the validity of ballot papers.

(2) The vote counting committee shall start counting the votes cast by voters who voted outside the electoral district of their residence at 8 p.m. on the election day. At least three members of the vote counting committee shall be present at the opening of the envelopes.

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

(4) On the basis of the ballot papers, the vote counting committee shall verify for each electoral district the number of invalid ballot papers and the number of votes cast for candidates and political parties. Ballot papers shall be declared invalid pursuant to the provisions of subsections 57 (7) and (8) of this Act.

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

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

§ 58. Counting of votes cast at advance voting

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

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

(1) Tallinn City Vote Counting Committee shall organise the counting of the votes and decide on the validity of ballot papers.

(2) The vote counting committee shall begin counting the votes cast by voters permanently residing in a foreign state at 8 p.m. on the election day. At least three members of the vote counting committee shall be present at the opening of the envelopes.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

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

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

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

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

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

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

(1) The vote counting committee provided for in subsection 13 (3) of this Act shall organise the counting of the votes and decide on the validity of ballot papers.

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

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

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

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

§ 60[1]. Counting of votes cast using electronic means

(1) The State Electoral Office shall ascertain the results of electronic voting after 8 p.m. on the election day.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

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

(3) Prior to the counting of electronic votes, the State Electoral Office:
1) shall annul the electronic votes, which have been changed by the ballot papers when voting;
2) shall separate the electronic votes subject to counting from the personal data of the voters.

(4) To count the electronic votes, the members of the National Electoral Committee and the State Electoral Office shall use the means of access provided for in subsection 48[3](3) of this Act, which ensure access to the vote-opening key.

(5) The State Electoral Office shall verify the following with regard to each rural municipality and city and voters permanently residing in a foreign state:
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
1) the number of voters who participated in electronic voting;
2) the number of invalid electronic votes;
3) the number of electronic votes annulled on the basis of clause (3) 1) of this section;
4) the number of electronic votes cast for candidates and political parties.

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

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

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

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

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

§ 61. Ascertaining of voting results in National Electoral Committee

(1) On the basis of the records concerning the voting results of voters in rural municipalities and cities which are received from all the rural municipality or city secretaries and on the basis of the records concerning the voting results of voters who voted outside the electoral district of their residence, records concerning the voting results of voters permanently residing in a foreign state, voting results of the voters who voted using electronic means, and list of voters, the National Electoral Committee shall, for each electoral district, verify the number of voters entered in the lists of voters, the number of voters who were given a ballot paper, the number of voters who participated in voting, the number of invalid ballot papers and the number of votes cast for candidates and political parties.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(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 - entry into force 14.07.2006]

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

§ 62. Ascertaining 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 in favour of whom the number of votes cast exceeds or equals the simple quota is elected.

(3) In the lists of candidates of those political parties 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 political party shall be given as many mandates as the number of times by which the number of votes it receives in the electoral district exceeds the simple quota. Mandates obtained pursuant to subsection (2) of this section are also deemed to be mandates of a political party. 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 positioned further towards the top of the list for whom the number of votes cast amounts to 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 positioned 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 distributed using a modified d'Hondt distribution method with the distribution series of 1, $2^{0.9}$, $3^{0.9}$, $4^{0.9}$, etc. In calculating the comparative figure for each political party, as many first elements of the series shall be omitted as the number of mandates obtained by the political 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 consolidated list of candidates in the electoral district shall be given the mandate.

(6) The candidate who is positioned further towards the top of the list and for whom the number of votes cast amounts 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 amounts 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 positioned further towards the top of the list submitted 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 the advance voting shall also be retained by the political party. If the registration decision of an independent candidate is annulled or an independent candidate dies, votes cast in favour of the candidate shall not be taken into account in the ascertaining of election results.

(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 ascertained in the National Electoral Committee in public.
[RT I 2006, 30, 231 - entry 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, by a Resolution, 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 voting districts (subsection 19 (3));
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]
3) formation of voting district committees (§ 19^1);
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]
4) sending of election information sheets (§ 21);
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

5) [repealed – RT I, 09.07.2018, 1 – entry into force 01.01.2021];
6) nomination of candidates (§ 30);
7) registration of candidates (§ 32);
7^1) time of advance voting (subsection 38 (2));
[RT I 2004, 6, 32 - entry into force 14.02.2004]
8) sending of election information sheets to voters temporarily residing or temporarily staying in a foreign state (subsection 49 (4));
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]
9) submission of applications to vote by post to foreign missions (§ 50);
10) receipt of ballot papers of voting by post (subsection 52 (2));
11) time of voting at foreign missions (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 voters in the electoral district in the territory of which their residence, as entered in the population register, is located on the day when elections are called.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

Chapter 11
ELECTION EXPENDITURE

§ 64. Expenditure for organisation of elections

(1) Expenses incurred in the preparation and organisation of Riigikogu elections shall be covered from the state budget.

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

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

(4) Expenditure of the population register relating to the registration of voters shall be covered from the state budget out of funds allocated for this purpose to the budget of the Ministry of the Interior.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) Expenditure related to the organisation of voting in a foreign state shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of the Interior.
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

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

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

§ 66. Funds used for election campaign

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

§ 67. Expenditure for election campaign

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

Chapter 12
NOTICES AND COMPLAINTS

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

§ 68. Notice concerning deficiency in electoral management

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

(2) A notice concerning deficiency shall be submitted immediately, but not later than on the third day as of the violation specified in subsection (1) of this section.

(3) A notice concerning deficiency shall be submitted to the State Electoral Office, which shall organise the review of the notice and responding thereto.

(4) A notice concerning deficiency shall:
1) indicate the name, personal identification code and data on the telecommunications of the person submitting the notice;
2) describe the act regarding which the notice is submitted.

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

(6) A notice concerning deficiency shall be reviewed promptly, but not later than within three days as of the submission thereof. The person submitting the notice shall be promptly notified of the results of the review and the measures taken.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 69. Definition of complaint

For the purposes of this Act, a complaint is a request filed with the National Electoral Committee for an act of the elections manager to be declared unlawful and an appeal filed with the Supreme Court pursuant to the procedure provided for in § 72[1] of this Act against a decision or act made by the National Electoral Committee, which is prepared according to the requirements of this Act.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 70. Right to file complaint

An individual, candidate and political party (hereinafter *interested person*) who find that their rights have been infringed by a contested act shall have the right to file a complaint.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 71. Requirements for complaint

(1) A complaint shall be prepared in writing and shall set out the following:
1) the name, personal identification code or in the absence thereof date of birth, or registry code, address and data on the telecommunications of the complainant;
2) the name, address and data on the telecommunications of the representative of the complainant if the complainant has a representative;
3) the description of the contested act;
4) the reasons why the complainant finds that the contested act violates the rights of the person;
5) the reasons why the complainant finds that the contested act is not lawful;
6) how and when the complainant became aware of the contested act;
7) a request for restoration of the term for filing a complaint and the reasons why the term was allowed to expire, if the complaint is filed after the expiry of the term for filing the complaint;
8) the date of submission of a complaint.

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

(3) If a complaint does not meet the requirements prescribed in subsections (1) and (2) of this section or if a complaint has been submitted in violation of the procedure prescribed in § 70 and subsection 72 (1) of this Act, the National Electoral Committee may dismiss the complaint. In case of dismissal of the complaint, the National Electoral Committee may forward the complaint to the State Electoral Office for responding pursuant to the procedure provided for in subsection 68 (6) of this Act. If the complainant has allowed the time limit for submitting the complaint to expire with good reason, the National Electoral Committee shall restore the time limit on the basis of his or her reasoned request.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 72. Review of complaint in National Electoral Committee

(1) A complaint shall be filed with the National Electoral Committee within three days as of:
1) making the contested act or
2) reviewing a notice provided for in § 68 of this Act.

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

(3) The National Electoral Committee shall adopt one of the following resolutions:
1) to dismiss the complaint;
2) to satisfy the complaint;
3) to satisfy the complaint partially.

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

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

§ 72[1]. Filing of appeal against resolution or act of National Electoral Committee

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

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

(3) An appeal against an act of the elections manager or a resolution or act of the National Electoral Committee shall be filed through the National Electoral Committee with the Supreme Court within three days as of the communication of the resolution or performance of the act of the National Electoral Committee.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 73. Declaration of invalidity of voting results

(1) If the National Electoral Committee or the Supreme Court has declared the voting results in a voting district, rural municipality, city, electoral district 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 relevant voting district, rural municipality or city, electoral district or in the whole state. The election results shall be verified after the results of the repeat vote become clear.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(1[1]) If the voting results of a voting district are declared invalid, a repeat vote can be given by the voters who voted during advance voting and on the election day in the same voting district.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(2) No repeat vote shall be held if the National Electoral Committee has annulled the votes cast in the advance voting partially or in full due to material violation of the law and called on the voters to vote again during advance voting or on the election day.

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

Chapter 12[1]
LIABILITY

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

§ 73[1]. Failure to submit information or materials or to comply with resolution of electoral committee

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

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

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

§ 73[2]. Violation of restrictions established on outdoor political advertising

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

§ 73[3]. Taking ballot paper out of polling place

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

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

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

Chapter 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 the complaints and appeals filed.

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

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

(4) If a candidate who is elected holds an office at the time of the declaration of the election results, which is incompatible with the office of a member of the Riigikogu, he or she must notify the National Electoral Committee, within five days after the date of declaration of election results, whether he or she wishes to participate in the work of the Riigikogu or wishes to continue in his or her current office and decline the mandate.
[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

§ 75. Registration of alternate members of Riigikogu

(1) The National Electoral Committee 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 an equal number of votes have been cast for political parties, the political party whose candidates were positioned further towards the bottom of the consolidated list of candidates in the electoral district shall receive a higher ranking.
[RT I 2006, 30, 231 - entry into force 14.07.2006]

§ 77. Refund of security

Security shall be refunded 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 unrefunded security into state revenues.

§ 77[1]. Preservation of ballot papers and election documents

(1) A rural municipality or city secretary shall preserve the ballot papers for one month as of election day. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the rural municipality or city secretary shall organise the destruction of the ballot papers and document it.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(2) The State Electoral Office shall preserve the electronic votes for one month as of election day. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the State Electoral Office shall destroy the electronic votes, personal data of the voters contained in the electronic voting system and the key for opening the electronic votes.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

(3) The records of voting results and election results shall be preserved permanently. The list of voters shall be preserved permanently in the National Archives.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(4) The State Electoral Office shall organise the preservation of the records of voting results and election results, record sheets concerning the ballot papers, and other election documents.
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

(5) The rural municipality and city governments shall organise the preservation of the election equipment in rural municipalities and cities during the period between elections.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 78. Implementation of electronic voting

Electronic voting shall not be implemented before 2005.

§ 79.–§ 85.[Omitted from this text.]

§ 85[1]. Implementation of verification of electronic votes

(1) The verification of electronic votes specified in § 48[6]of this Act shall not be implemented before 2015.

(2) Based on a resolution of the National Electoral Committee, to the extent specified therein, an experimental system may be implemented as of the municipal council elections in 2013, which provides a voter with an opportunity to verify whether the application used for electronic voting has transferred the vote cast by the voter to the electronic voting system according to the voter's wish.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 85[2]. Beginning of authority of Electronic Voting Committee

(1) The National Electoral Committee shall appoint the members and the chairman of the Electronic Voting Committee within one month as of the entry into force of § 17[1]of this Act.

(2) The authority of the Electronic Voting Committee shall begin as of the day following the appointment.
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

§ 85[3]. Authority of members of National Electoral Committee

(1) The authority of a member of the National Electoral Committee formed in 2016 shall terminate pursuant to the procedure provided for in this Act no later than on 31 May 2020, taking account of the specifications provided for in this section.

(2) A member of the National Electoral Committee specified in clause 10 (2) 7) of this Act shall be appointed no later than on 10 January 2017, and his or her authority shall terminate at the due date provided for in subsection (1) of this section.

(3) The authority of a member of the National Electoral Committee, who is an official of the Chancellery of the Riigikogu appointed by the Secretary General of the Riigikogu, shall terminate upon appointment of a member of the National Electoral Committee appointed on the basis specified in subsection (2) of this section.
[RT I, 06.05.2016, 1 - entry into force 01.01.2017]

§ 85[4]. Authority of members of county electoral committee

The authority of the members of the county electoral committees established in 2012 shall be extended until 31 December 2016.
[RT I, 06.05.2016, 1 - entry into force 16.05.2016]

§ 86. Entry into force of Act

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