

European Parliament Election Act

Passed 18 December 2002

(RT¹ I 2003, 4, 22),

entered into force 23 January 2003,

amended by the following Acts:

18.12.2003 (RT I 2003, 90, 601), entered into force 1.01.2004

21.01.2004 (RT I 2004, 6, 32) 14.02.2004

9.03.2004 (RT I 2004, 14, 93) 25.03.2004

14.04.2004 (RT I 2004, 30, 208) 1.05.2004

22.09.2004 (RT I 2004, 71, 501) 29.10.2004

29.09.2004 (RT I 2004, 71, 503) 29.10.2004

9.06.2005 (RT I 2005, 37, 281) 10.07.2005

7.06.2006 (RT I 2006, 30, 231) 14.07.2006

16.11.2006 (RT I 2006, 55, 408) 23.12.2006

11.12.2008 (RT I 2009, 2, 5) 16.01.2009

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Chapter 1

General Provisions

§ 1. Scope of application

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

§ 2. Bases of election system

- (1) In Estonia, six Members of the European Parliament shall be elected.
- (2) Elections to the European Parliament shall be free, general, uniform and direct.

Voting is secret.

- (3) Each voter has one vote.
- (4) Election results shall be determined based on the principle of proportionality.

§ 3. Time of elections to European Parliament

- (1) Members of the European Parliament shall be elected for a term of five years.

(2) Elections to the European Parliament shall be held on a date falling within the period determined by the Council of the European Union. The elections shall be held on a Sunday.

(3) Elections to the European Parliament shall be declared by the President of the Republic by a resolution not later than three months before election day.

§ 4. Right to vote and stand as candidate

(1) An Estonian citizen who has attained 18 years of age by election day shall have the right to vote.

(2) A citizen of the European Union who is not an Estonian national (hereinafter citizen of the European Union) shall have the right to vote if:

1) he or she has attained 18 years of age by election day;

2) his or her permanent residence is in Estonia, i.e. the address details of his or her residence have been entered in the Estonian population register (hereinafter population register);

3) he or she has not been deprived of the right to vote in his or her home Member State.

(3) A person shall not have the right to vote if:

1) divested of his or her active legal capacity with regard to the right to vote;

2) he/she has been convicted of a crime by a court and is serving sentence in a penal institution.

(4) An Estonian citizen who has attained 21 years of age by election day shall have the right to stand as a candidate.

(5) A citizen of the European Union shall have the right to stand as a candidate if:

1) he or she has attained 21 years of age by election day;

2) his or her permanent residence is in Estonia, i.e. the address details of his or her residence have been entered in the population register;

3) he or she has not been deprived of the right to vote in his or her home Member State.

(6) The following shall not stand as candidates in elections to the European Parliament:

1) a person who has been divested of his or her active legal capacity with regard to the right to vote;

2) a person who has been convicted of a crime by a court and is serving sentence in a penal institution;

3) regular members of the Defence Forces.

(7) No person may vote or stand as a candidate in more than one Member State of the European Union in the same election to the European Parliament.

[RT I 2006, 30, 231, entered into force 14.07.2006]

Chapter 2

Campaigning

§ 5. Restriction on election campaigning

- (1) Active election campaigning on an election day is prohibited.
- (2) Election campaigning is prohibited in polling places and rooms through which voters enter the polling places.
- (3) The time of active election campaigning is deemed to be the time from the last day for the registration of candidates.

[RT I 2005, 37, 281, entered into force 10.07.2005]

§ 5¹. Prohibition of political outdoor advertising

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

[RT I 2005, 37, 281, entered into force 10.07.2005]

Chapter 3

Constituency and Polling Divisions

§ 6. Constituency

Elections to the European Parliament are held in one national constituency.

§ 7. Formation of polling divisions

- (1) In order to hold voting, polling divisions shall be formed within the territory of a local government.
- (2) A rural municipality government or city government shall form polling divisions by a regulation which shall set out:
 - 1) the numeration of polling divisions;

- 2) the boundaries of polling divisions;
 - 3) the locations of polling places;
 - 4) at least one polling division where voters can vote outside the polling division of their residence (subsection 40 (2));
 - 5) a polling division where voters whose address details in the rural municipality or city have been entered in the population register to the accuracy of the rural municipality or city or city district in Tallinn can vote.
- (3) Polling divisions are permanent. Voting in elections to the European Parliament, elections to the Riigikogu, elections of local government councils and in a referendum shall be organised in the same polling divisions unless a rural municipality or city government regulates otherwise by amending the regulation referred to in subsection (2) of this section.
- (4) A rural municipality or city government may amend the regulation referred to in subsection (2) of this section not later than on the fiftieth day before election day or, in exceptional cases, after the said deadline. The rural municipality or city government shall give notice of the amendments to the National Electoral Committee and the chief processor of the population register.
- (5) A rural municipality or city government shall publish the information listed in subsection (2) of this section before the elections.
- (6) A county electoral committee shall publish the information listed in subsection (2) of this section in the week preceding the beginning of advance polls.

Chapter 4

Electoral Committees

§ 8. Types of electoral committees

- (1) The following electoral committees shall hold elections to the European Parliament:
- 1) the National Electoral Committee;
 - 2) county electoral committees;
 - 3) division committees.
- (2) In the cities of Tallinn and Tartu, the functions of county electoral committees shall be performed by city electoral committees.

§ 9. Term of electoral committee

(1) The term of the National Electoral Committee, county electoral committees and the city electoral committees of Tallinn and Tartu and the procedure for their formation is prescribed in the Riigikogu Election Act (RT I 2002, 57, 355).

(2) Division committees shall be formed before elections to the European Parliament. The term of a division committee shall be until the appointment of a new membership of the committee.

§ 10. Member of electoral committee

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

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

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

- 1) becomes an authorised representative of a political party;
- 2) becomes an authorised representative of an independent candidate;
- 3) is presented for registration as a candidate for Member of the European Parliament.

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

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

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

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 11. Organisation of work of electoral committee

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

§ 12. Assistance to electoral committee

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

§ 13. Competence of National Electoral Committee

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

- 1) suspend or terminate the authority of a member of a county electoral committee or a division committee if she or she violates the European Parliament Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 2) issue precepts for the elimination of deficiencies of an act of a county electoral committee or division committee or a resolution of a county electoral committee;
- 3) suspend an act of a county electoral committee or division committee or the validity of a resolution of a county electoral committee;
- 4) to repeal a resolution of a county electoral committee or to declare an act of a division committee or a county electoral committee unlawful and to issue a precept to the division committee or county electoral committee for elimination of the violation;
- 5) to declare the voting results in the polling division, the county, the city of Tallinn or Tartu or the state invalid and to hold a repeat vote if the violation significantly affected or could have significantly affected the voting results.

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

(4) By its regulation, the National Electoral Committee shall establish the following:

- 1) the procedure for the presentation of candidates for registration and for the registration of candidates;
- 2) the standard format of applications for the registration of candidates, the standard format of the list of candidates, the standard format of applications to stand as candidates and the standard format of the personal data form of candidates;
- 3) the standard format of the notices of the right to vote sent to citizens of the European Union;
- 4) the standard format of polling lists;
- 5) the procedure for voting in foreign states;
- 6) the procedure for the holding of voting and verification of voting results and election results;

- 7) the standard format of ballot papers;
 - 8) the standard format of the records of voting results and election results;
 - 9) the status of an observer;
 - 10) the procedure for the use of money allocated for the organisation of elections;
 - 11) (Repealed - 21.01.2004 entered into force 14.02.2004 - RT I 2004, 6, 32)
- (5) The National Electoral Committee shall adopt decisions in order to resolve individual matters within the competence of the National Electoral Committee. The Chairman of the Committee shall sign the decisions. A decision shall enter into force upon signature.
- (6) The regulations, decisions and instructions of the National Electoral Committee shall be binding on county electoral committees and division committees.
- [RT I 2006, 30, 231, entered into force 14.07.2006]

§ 14. Competence of county electoral committee

- (1) The functions of a county electoral committee are to verify voting results in the county, instruct division committees, exercise supervision over the activities thereof and perform other functions arising from this Act.
- (2) A county electoral committee has the right to:
- 1) suspend the authority of a member of a division committee if she or she violates the European Parliament Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
 - 2) to propose to the National Electoral Committee to terminate the authority of a member of a county electoral committee who has violated the European Parliament Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
 - 3) issue precepts for the elimination of deficiencies of an act of a division committee;
 - 4) suspend an act of a division committee;
 - 5) declare an act of a division committee unlawful;
 - 6) to make a proposal to the National Electoral Committee to declare the voting results in the polling division invalid and to hold a repeat vote in the polling division if the violation significantly affected or could have significantly affected the voting results.
- [RT I 2006, 30, 231, entered into force 14.07.2006]

- (3) A county electoral committee shall adopt decisions in order to resolve individual matters within the competence of the county electoral committee. The chairman of the committee shall sign the decisions. A decision shall enter into force upon signature.

(4) Decisions and instructions of a county electoral committee shall be binding on division committees.

§ 15. Formation of division committee

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

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

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

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

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

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

(7) If the number of member candidates for a division committee put forward by parties exceeds the number of places parties have in the division committee the rest of the candidates are appointed alternate members of the division committee.

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

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

(10) Jaoskonnakomisjoni asjaajamise ja tehnilise teenindamise tagab valla- või linnavalitsus.

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 16. Competence of division committee

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

Chapter 5

Registration of Voters

§ 17. Registration of voters

- (1) Voters are registered in the population register.
- (2) The procedure for the maintenance of the population register is prescribed by an Act.
- (3) Voters are registered on the basis of the following data on persons entered in the population register:
 - 1) given name and surname;
 - 2) date of birth;
 - 3) personal identification code;
 - 4) data on citizenship;
 - 5) information concerning divestment of active legal capacity;
 - 6) data on the place of residence.

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

- (1) The chief processor of the population register shall organise the preparation and sending of notices, not later than on the seventieth day before election day, to citizens of the European Union who are entitled to participate in the voting pursuant to subsections 4 (2) and (3) of this Act.
- (2) The following shall be set out in a notice:
 - 1) the given name and surname of the voter;
 - 2) the date of birth of the voter;
 - 3) residential address;
 - 4) information concerning the voter's right to vote and stand as a candidate;
 - 5) information concerning the procedure for standing as a candidate and voting.

§ 19. Voter card

- (1) The chief processor of the population register shall organise the preparation and sending of voter cards to voters not later than on the twentieth day before election day. Voter cards shall not be sent to voters data on whose residence have been entered, on the initiative

of the local government, in the population register to the accuracy of the rural municipality or city or city district in Tallinn.

(2) The following shall be entered on a voter card:

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

(3) A voter who has not received a voter card fifteen days before election day or whose voter card contains incorrect data may submit a request to the rural municipality or city secretary to receive clarifications or for errors to be corrected. The rural municipality or city secretary shall review the request immediately together with the person who prepared the voter card and reply to the request in writing within three working days as of the date of receipt thereof.

§ 20. Polling list

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

[RT I 2009, 2, 5, entered into force 16.01.2009]

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

(3) A person shall not be entered in a polling list if:

- 1) according to the punishment register, the person has been convicted of a criminal offence by a court and, as at the thirtieth day before election day, is serving a prison sentence until election day;

2) according to a notice from the competent administrative authorities of a Member State of the European Union, the person has expressed his or her wish to exercise his or her right to vote in another Member State of the European Union;

3) the person is a citizen of the European Union and has not submitted an application to be entered in a polling list or has submitted a request to be removed from a list.

(4) A voter shall be entered in the polling list of the polling division in the territory of which his or her residence is located as entered in the population register as at the thirtieth day before election day. If data on the residence of a voter have been entered in the population register to the accuracy of the rural municipality or city or city district in Tallinn, the voter shall be entered in the polling list of the polling division formed on the basis of clause 7 (2) 5) of this Act.

(5) The following data on a voter shall be entered in a polling list:

1) given name and surname;

2) personal identification code;

3) the residential address.

(6) Voters shall be entered in the polling list in the alphabetical order of their surnames.

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

(8) Polling lists are permanently stored in the archives.

[RT I 2006, 30, 231, entered into force 14.07.2006]

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

(1) A citizen of the European Union who, pursuant to subsections 4 (2) and (3) of this Act, is entitled to the right to vote and who wishes to exercise the said right shall submit a request to be entered in a polling list to the chief processor of the population register not later than on the thirtieth day before election day. The person shall append a copy of the page of an identity document with personal data thereon to the request.

(2) In a request, a person shall state:

1) his or her nationality;

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

3) the local government or constituency in his or her home Member State in the electoral register of which his or her name was last entered, if such data are available;

- 4) that the person wishes to exercise his or her right to vote in Estonia only;
- 5) that he or she has not been deprived of the right to vote in his or her home Member State.

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

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

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

§ 22. Restrictions on access to polling lists

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

(2) After election day, authorised representatives of political parties and independent candidates and their authorised representatives may examine polling lists to the extent necessary if they have a legitimate interest therein, and the polling lists may be used for scientific purposes.

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

(1) If a voter discovers an error in the data on himself or herself entered in a polling list, the voter shall submit a request for the correction of the error to the division committee which shall forward the request promptly to the rural municipality or city secretary.

(2) The rural municipality or city secretary shall review the request immediately together with the person who prepared the polling list and reply to the person who submitted the request in writing within three working days as of the date of receipt thereof and inform the division committee of the results of the review of the request.

(3) An error in a polling list shall be corrected by the division committee on the basis of a notice from the rural municipality or city secretary.

(4) If it is evident from the documents submitted to a division committee that there is an error in the polling list, the division committee may correct the error by themselves. The rural municipality or city secretary shall be promptly informed of the correction of an error.

§ 24. Making amendments to polling list

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

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

(2) In order to amend a polling list, a person shall submit an application to the rural municipality or city secretary for entry in the population register or amendment of the registry data which are the basis for registration of voters. The rural municipality or city secretary shall review the application together with the person who prepared the polling list and promptly reply to the applicant.

(3) If a person is entered in the population register or the registry data which are the basis for the registration of voters are amended in a manner resulting in the person being entered in a polling list, the rural municipality or city secretary shall notify the division committee thereof immediately.

(4) Amendments to a polling list shall be made by the division committee on the basis of a notice from the rural municipality or city secretary.

(5) If a rural municipality or city secretary denies an application specified in subsection (2) of this section, the applicant may file a complaint against the act of the rural municipality or city secretary to the administrative court of the applicant's residence. 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) An administrative court shall review a complaint and make a decision within three working days as of the date of receipt of the complaint.

(7) An administrative court shall make one of the following decisions:

- 1) to deny the complaint;

2) to grant the complaint and issue a precept to the rural municipality or city secretary to organise the entry of data on the person in the population register or to amend the registry data which are the basis for the registration of voters.

(8) If an administrative court grants a complaint, data on the person shall be entered in the population register promptly or his or her data shall be amended and the division committee shall be notified thereof immediately.

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

Chapter 6

Presentation for Registration and Registration of Candidates

§ 25. Political parties

(1) A political party entered in the non-profit associations and foundations register by the last date for presentation of candidates for registration may participate in elections to the European Parliament.

(2) The Minister of Justice shall send a list of political parties to the National Electoral Committee not later than on the seventieth day before election day. Political parties which are entered in the non-profit associations and foundations register not later than eighty days before election day shall be entered in the list.

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

(4) Upon presentation of candidates for registration, a political party shall submit a written notice to the National Electoral Committee which sets out the names, personal identification codes, addresses and telecommunications numbers of the authorised representatives of the political party. A person entitled to represent the political party according to the Non-profit Associations Act or the articles of association of the political party shall sign the notice. If a political party is not included in the list referred to in subsection (2) of this section, the political party shall also submit a certificate which proves that the political party is entered in the non-profit associations and foundations register.

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

(6) Within two days after the last day for presentation of candidates for registration, the Minister of Justice shall send to the National Electoral Committee lists of members of

political parties entered in the non-profit associations and foundations register as on the last day for presentation of candidates for registration in electronic form. The lists shall contain the names and personal identification codes of members and the dates of their joining the political party.

§ 26. Independent candidates

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

§ 27. Documents for standing as candidate

(1) Documents required to stand as a candidate are:

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

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

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

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

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

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

- 1) data on citizenship;
- 2) information on the local government or constituency in his or her home Member State in the electoral register of which his or her name was last entered.

- (5) The following data may be entered in the personal data form of a candidate:
- 1) place of birth;
 - 2) education and area of specialisation together with the name of the educational institution and date of graduation;
 - 3) research degree;
 - 4) place of employment;
 - 5) position.
- (6) When a citizen of the European Union submits the documents required to stand as a candidate, he or she must also produce an attestation from the competent administrative authorities of his or her home Member State certifying that he or she has not been deprived of the right to stand as a candidate in that Member State or that no such disqualification is known to those authorities.
- (7) The National Electoral Committee shall not disclose the personal identification codes, residential addresses or telecommunications numbers of candidates.
- (8) A candidate shall use only his or her given name and surname as his or her name when standing as a candidate.
- (9) The chief processor of the population register shall immediately give notice of the submission of an application to stand as a candidate by a citizen of the European Union to the competent administrative authorities of his or her home Member State.

§ 28. List of candidates

- (1) A political party shall prepare a list of candidates.
- (2) A list of candidates may include up to twelve candidates.
- (3) A person may stand as a candidate in the candidate list of only one political party. A person presented for registration as an independent candidate shall not stand as a candidate in a list of candidates and a member of a political party registered in Estonia shall not stand as a candidate in the list of candidates of another political party.
- (4) A political party may present only one candidate list for registration.
- (5) The order of candidates in a list shall be specified by the political party.
- (6) A list of candidates shall be signed by all authorised representatives of the political party.

§ 29. Presentation of candidates for registration

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

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

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

1) an application for the registration of candidates;

2) a list of candidates;

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

4) documents required to stand as a candidate for each candidate (subsections 27 (1) and (6)).

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

1) an application for the registration of the candidate;

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

3) documents required to stand as a candidate (subsections 27 (1) and (6)).

(5) Before the presentation of candidates for registration, a political party or independent candidate shall transfer an amount of five times the minimum monthly wage established by the Government of the Republic per each person presented for registration to the account of the National Electoral Committee as security.

§ 30. Acceptance and return of documents

(1) The National Electoral Committee shall maintain records on all candidates presented for registration.

(2) The registration documents of candidates shall be delivered by the 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 National Electoral Committee, submitted documents contain errors or omissions or they are not in conformity with the standard format established by the National Electoral Committee, the person who accepts documents shall propose to the person submitting the documents to submit the required documents or data, or documents conforming to the standard format, or to correct the errors. All submitted documents shall be returned.

(4) If a political party or independent candidate wishes to make amendments to the registration documents of the candidate or candidates, the National Electoral Committee shall return all submitted documents and if the documents are resubmitted, they shall be considered to be submitted for the first time.

(5) If a candidate is deleted from the list of candidates presented for registration on the basis of his or her personal application, the National Electoral Committee shall return all documents required to stand as a candidate to the candidate and notify the authorised representative of the political party or independent candidate thereof. The political party is not required to submit the registration documents of candidates again.

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

§ 31. Registration of candidates

(1) The National Electoral Committee shall, after expiry of the term for presentation of candidates for registration but not later than on the fortieth day before election day, register all persons presented for registration pursuant to the requirements of this Act in the order of their presentation for registration.

(2) Candidate lists and independent candidates shall be assigned registration numbers. Registration numbers shall begin at 101. Independent candidates shall be assigned registration numbers after the candidate lists have been assigned numbers. The sequence of assigning numbers between political parties and independent candidates shall be determined by way of drawing lots.

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

- 1) any of the candidates presented for registration by the political party if documents specified in clauses 29 (3) 1), 2) or 3) of this Act are missing, contain errors or are not in conformity with the standard format;
- 2) the candidate whose documents or data are missing, whose documents contain errors or are not in conformity with the standard format.
- (4) The National Electoral Committee shall make a reasoned decision not to register a candidate.
- (5) The National Electoral Committee shall revoke the decision to register a candidate if:
 - 1) the candidate declines to stand as a candidate on the basis of his or her personal written application which the candidate may submit within three days after registration;
 - 2) the candidate dies;
 - 3) it is proved that the candidate does not meet the requirements prescribed in subsections 4 (4)-(7) of this Act.
- (6) The National Electoral Committee shall register, after expiry of the term specified in subsection (1) of this section, a person who was not registered earlier if the Committee finds that the person meets the requirements prescribed in subsections 4 (4)-(7) of this Act or if the decision of the National Electoral Committee not to register the candidate has been annulled by a judgment of the Supreme Court.
- (7) A registration decision may be annulled and a person not registered may be registered not later than on the day before the beginning of advance polls.

§ 32. Consolidated list of candidates

- (1) After the registration of candidates, the National Electoral Committee shall prepare a consolidated list of candidates.
- (2) Candidates shall be entered in the consolidated list of candidates by the lists of candidates of political parties in the order of their registration numbers. The name of the political party which puts forward the list shall be indicated at the top of the list of candidates. Independent candidates shall be entered in the consolidated list of candidates in the order of their registration numbers after the lists of candidates of political parties.

[RT I 2006, 55, 408, entered into force 23.12.2006]

- (3) The name of each candidate, for an independent candidate also his or her registration number shall be set out in the consolidated list of candidates. If several candidates with the same name stand as candidates, their dates of birth shall also be set out in the consolidated list.

[RT I 2006, 55, 408, entered into force 23.12.2006]

(4) The National Electoral Committee shall give notice of all corrections and amendments to the consolidated list of candidates to electoral committees, representations and masters of ships who organise voting in foreign countries and they shall make the corresponding amendments and corrections to the consolidated list of candidates. The consolidated list of candidates shall not be amended after the start of advance polls.

Chapter 7

Voting Procedure

§ 33. Polling place

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

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

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

§ 34. Voting booth

(1) A voting booth shall enable secret ballot.

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

§ 35. Ballot box

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

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

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

§ 36. Ballot paper

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

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

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

§ 37. Time of voting

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

(2) Advance polls shall be held:

1) (Repealed - 1.12.2008 entered into force 16.01.200 - RT I 2009, 2, 5)

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

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

[RT I 2009, 2, 5, entered into force 16.01.2009]

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

(4) (Repealed - 1.12.2008 entered into force 16.01.200 - RT I 2009, 2, 5)

§ 38. Voting

(1) A voter shall vote in the polling division in which he or she is entered in the polling list, except in the cases prescribed in §§ 41-44 and 46 and Chapter 8 of this Act.

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

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

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

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

(6) If a voter spoils the ballot paper, he or she has the right to receive another ballot paper from the division committee. In such case the voter shall return the spoiled ballot paper to the division committee.

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

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

§ 39. Advance polls

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

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

(3) At least three members of a division committee shall hold the advance polls.

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

(5) On advance poll days and the following days, a division committee shall organise the safekeeping of the ballot box and election documents ensuring that only members of the division committee can access the box and the documents.

§ 40. Specifications for advance polls held outside polling division of residence

(1) On advance polling days (§ 37(2)), voters may vote outside the polling division of their residence in a polling division designated by the the rural municipality or city government.

[RT I 2009, 2, 5, entered into force 16.01.2009]

(2) Voting outside the polling division of residence shall be held by a division committee designated by the rural municipality or city government. A rural municipality or city government may designate a division committee which, besides holding advance polls, holds voting only in penal institutions (§ 44) or only at locations of voters.

(3) (Repealed - 1.12.2008 entered into force 16.01.200 - RT I 2009, 2, 5)

§ 41. Advance polls held outside polling division of residence in polling place

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

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

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

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

§ 42. Advance polls held outside of polling division of residence at location of voter

(1) If a voter who wishes to vote outside the polling division of his or her residence is unable to vote in the polling place located in the polling division due to his or her state of health or for another good reason, he or she may, until 4 p.m. on the last day of advance polls, submit an application in writing to the rural municipality or city government of his or her residence or to the division committee prescribed in subsection 40 (2) of this Act concerning voting at his or her location. The division committee shall register the application. The rural municipality or city government shall register the application and forward the application to the appropriate division committee.

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

§ 43. Electronic voting

(1) A voter may vote electronically on the webpage of the National Electoral Committee on days prescribed in clause 3 of § 37(2). A voter shall vote himself or herself.

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

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

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

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

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

1) by voting again electronically at the time prescribed in clause 3 of § 37(2) of this Act;

2) by voting with a ballot paper from the sixth to the fourth day before election day pursuant to the procedure provided for in §§ 39–42, 44 or 46 of this Act.

§ 44. Voting in penal institutions

(1) Voting in a penal institution shall be held on the days prescribed in clause 37 (2) 2) of this Act.

(2) The administration of a penal institution shall submit an application to hold voting to the division committee prescribed in subsection 40 (2) of this Act.

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

(4) In the verification of voting results, the votes of voters who voted at the advance polls in penal institutions shall be calculated pursuant to the provisions of § 47 of this Act.

[RT I 2004, 6, 32, entered into force 14.02.2004]

§ 45. Home voting

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

(2) In order to vote at home, a voter shall submit a written application to the rural municipality or city government, or to the division committee of his or her residence by 4 p.m. on election day and the division committee shall register the application. If the application is submitted to the rural municipality or city government, the rural municipality or city government shall register the application and forward it to the corresponding division committee.

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

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

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

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

[RT I 2009, 2, 5, entered into force 16.01.2009]

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

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

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

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

(6) In the verification of election results, the votes cast pursuant to the procedure prescribed in subsection (1) of this section shall be calculated pursuant to the provisions of subsections 47 (1) and (2) and subsections 54 (2)-(6) of this Act.

§ 47. Calculation of votes cast during advance polls outside polling division of residence or using electronic means

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

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

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

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

(5) If a voter has not been entered in the polling list of the polling division or has voted outside the polling division of his or her residence several times, the division committee shall reject all envelopes with ballot papers of the voter.

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

(7) After performing the acts prescribed in subsections (4)–(6) of this section, the division committee shall open the outer envelopes, deposit the inner envelopes with ballot papers in the ballot box used at the advance polls and seal the opening of the ballot box again.

[RT I 2006, 30, 231, entered into force 14.07.2006]

47¹. Counting of electronically given votes

- (1) In case of several electronically given vote (§ 43(6)), the last vote shall be taken into account.
- (2) After the close of electronic voting, the National Electoral Committee shall prepare a list of persons who voted electronically by polling divisions and shall forward the list to the county electoral committees not later than on the second day before the day of the referendum. A county electoral committee shall forward the list to division committees not later than on the day preceding the election day.
- (3) If a voter has voted electronically, a member of the division committee shall make a notation in the polling list concerning voting electronically.
- (4) If a voter has voted electronically as well as with a ballot paper, the ballot paper of the voter shall be taken into account. The division committee shall send an appropriate communication to the National Electoral Committee, whereby the National Electoral Committee shall annul the electronically given vote of the voter.
- (5) If a voter has voted several times outside the polling division of his or her residence, and electronically, all envelopes with ballot papers of the voter as well as the electronically given vote shall be rejected. The division committee shall send an appropriate communication to the National Electoral Committee, whereby the National Electoral Committee shall annul the electronically given vote of the voter.

[RT I 2006, 30, 231, entered into force 14.07.2006]

Chapter 8

Voting in Foreign States

§ 48. Preparation of voting

- (1) Voting in foreign states by voters permanently residing in a foreign state and voters temporarily staying in a foreign state shall be organised by representations of the Republic of Estonia.
- (2) The Government of the Republic may designate an honorary consulate where the honorary consul is an Estonian citizen to conduct voting. In such case, the honorary consulate shall perform the acts prescribed in this Chapter.
- (3) Voting shall be held by the head of a representation or an official designated by him or her. In the case prescribed in subsection (2) of this section, voting shall be held by the honorary consul or a person designated by him or her. The person who holds voting must be entitled to the right to vote pursuant to subsections 4 (1) and (3) of this Act.

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

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

(5) If the address of a voter who resides permanently in a foreign state or is staying in a foreign state temporarily is known, the representation shall send the voter card to him or her by post or e-mail not later than eighty-five days before election day.

(6) The following shall be entered in a voter card:

- 1) the given name and surname of the voter;
- 2) the date of birth of the voter;
- 3) the address of the voter;
- 4) the address of the representation;
- 5) the procedure for the submission of an application to vote by post, for voting by post and for voting at a representation;
- 6) the due date for the receipt of applications to vote by post at the representation;
- 7) the due date for the receipt of ballot papers sent by post at the representation;
- 8) the time when voting is held at the representation.
- 9) the time of electronic voting.

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 49. Submission of application to vote

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

(2) A voter who is entered in the list of voters permanently residing in a foreign state shall:

- 1) append a copy of the page of an identity document with personal data thereon to the application;
- 2) indicate his or her residential address in the foreign state in the application.

(3) A voter who is not included in the list of voters permanently residing in a foreign state shall:

- 1) append copies of documents which certify his or her identity and that he or she has the right to vote in accordance with § 4(1) of this Act;
- 2) indicate his or her residential address in the foreign state;
- 3) indicate his or her last residence in Estonia (county, 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 addition to the information prescribed in clauses (2) 1) and 2) of this section.
- (5) Applications must be received by representations not later than on the thirtieth day before election day.

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 50. Sending of election documents to voter

A representation of Estonia shall send, at the earliest opportunity, the following to voters who sent in applications in due time and who comply with the requirements of this Act:

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

§ 51. Voting by post

- (1) A voter shall complete the ballot paper pursuant to the provisions of this Act. The voter shall place the completed ballot paper in one of the envelopes sent by the representation. The voter shall place the envelope in the other envelope sent by the representation. The voter shall write his or her name and personal identification code on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope. Thereafter the voter shall send the ballot paper to the representation.
- (2) The ballot papers sent by post must be received by a representation not later than by the date determined by the representation so that the National Electoral Committee would receive the ballot papers not later than on the fourth day before election day.
- (3) Representations shall prepare lists of voters who voted by post and forward the lists to the National Electoral Committee so that the National Electoral Committee would receive the lists not later than on the fourth day before election day.

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

§ 52. Electronic voting in foreign states

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

(2) Votes can be submitted using electronic means at the time prescribed in subsection 37 (2) of this Act and pursuant to the procedure prescribed in § 43 of this Act.

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 53. Voting at representations

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

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

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

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

§ 54. Calculation of ballot papers in verification of voting results

(1) The ballot papers received by a representation shall be calculated in the verification of voting results if such ballot papers are received by the National Electoral Committee not later than on the fourth day before election day.

(2) Having received the envelopes with the ballot papers of voters permanently residing in a foreign state, the National Electoral Committee shall check whether a voter who

permanently resides in a foreign state voted only once and whether a voter who permanently resides in a foreign state is entered in the list of voters permanently residing in a foreign state.

(3) If a voter permanently residing in a foreign state has voted several times or has not been entered in the list of voters permanently residing in a foreign state, the National Electoral Committee shall not take into account any of the envelopes with ballot papers of the voter. If a voter has voted electronically as well as with a ballot paper, the ballot paper of the voter shall be taken into account. If a voter has voted several times with a ballot paper and electronically, none of the envelopes with ballot papers of the voter as well as the electronically given vote shall be taken into account.

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

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

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

(7) Envelopes with the ballot papers of voters temporarily staying in a foreign state shall be forwarded by the National Electoral Committee to the appropriate division committees not later than on the day preceding election day where the ballot papers shall be calculated in the verification of voting results pursuant to the provisions of subsections 47 (4)-(7) of this Act.

[RT I 2006, 30, 231, entered into force 14.07.2006]

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

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

(2) Voting on board a ship shall be held by the master of the ship pursuant to the provisions of this Act. Voters shall vote on a ship pursuant to the provisions of subsections 38 (3)-(6) and subsection 41 (4) of this Act. Votes cast on board a ship shall be calculated in the verification of voting results pursuant to the provisions of subsections 54 (1) and (7) of this Act.

Chapter 9

Verification of Voting Results and Election Results

§ 56. Time of verification of voting results

The counting of votes shall begin on election day after the close of voting in Estonia. Voting results shall not be disclosed before the close of voting in all Member States of the European Union.

(14.04.2004 entered into force 01.05.2004 - RT I 2004, 30, 208)

§ 57. Verification of voting results in division committee

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

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

(3) Before the opening of ballot boxes, the division committee shall, on the basis of the polling lists, verify and enter in the standard format record the number of voters entered in the lists and, on the basis of the signatures in the polling lists given in receipt of a ballot paper, the number of voters who received ballot papers.

(4) Upon opening the ballot box, the state of the seal on the ballot box shall be checked. More than one-half of the members of the division committee shall be present at the opening.

(14.04.2004 entered into force 01.05.2004 - RT I 2004, 30, 208)

(5) The seal of the division committee shall be affixed to the outside of ballot papers of voters who voted at home, and the ballot papers shall be placed among the ballot papers of voters who voted in the polling place.

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

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

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

- 1) it does not bear two seals of the division committee;
- 2) no political party or candidate registration number or more than one registration number has been written on the ballot paper;

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

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

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

(11) After verification of voting results, the valid ballot papers shall be packaged by political parties and independent candidates; invalid ballot papers, ballot papers which were not issued to electors and spoiled ballot papers returned by electors shall be packaged separately. The polling division from which the ballot papers originate and the type and number of ballot papers in the pack shall be marked on the pack. The chairman of the division committee shall sign the label.

[RT I 2006, 55, 408, entered into force 23.12.2006]

(12) Ballot papers, polling lists, records of voting results and dissenting opinions of the members of the committee shall be forwarded to the county electoral committee immediately.

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

§ 58. Verification of voting results with regard to voters permanently residing in foreign state

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

be present at the opening of envelopes, including the chairman or deputy chairman of the committee.

(2) The inner envelopes containing the ballot papers of voters permanently residing in a foreign state shall be opened and a seal shall be affixed to the outside of the ballot papers.

(3) On the basis of the ballot papers, the county electoral committee shall verify the number of voters permanently residing in a foreign state who participated in the voting, the number of invalid ballot papers and the number of votes cast for political parties and independent candidates. A ballot paper shall be declared invalid pursuant to the provisions of § 57(8) and (9) of this Act.

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

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

§ 59. Verification of voting results at county electoral committee

(1) On the basis of the records received from the division committees, the county electoral committees shall verify the number of voters entered in the lists, the number of voters who were given a ballot paper, the number of ballot paper extracted from the polling boxes including the number of invalid ballot papers and the number of votes cast for political parties and independent candidates. The result obtained shall be checked by recounting the ballot papers.

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

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

(4) Voting results shall be verified publicly in the county electoral committee.

59¹. Counting of electronically given votes

(1) National Electoral Committee shall verify the results of electronic voting after 8 p.m. on election day.

(2) At least one-half of the members of the National Electoral Committee, including the Chairman or Deputy Chairman of the Committee shall be present at the counting of votes.

(3) Voting results shall be verified in the National Electoral Committee in public, taking into account the restrictions provided for in § 57(13) of this Act.

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 60. Verification of voting results in National Electoral Committee

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

[RT I 2006, 55, 408, entered into force 23.12.2006]

(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) Verification of voting results at the National Electoral Committee shall be public.

§ 61. Verification of election results

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

(2) In the list of a political party, the mandate shall be given to the candidate who higher up in the list.

(3) No political party shall receive more mandates than there are candidates in the list of the party.

((4) If a resolution to register an independent candidate is revoked or if he or she dies, the votes cast for him or her shall not be taken into account in the verification of election results.

[RT I 2006, 55, 408, entered into force 23.12.2006]

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

(6) Election results shall be verified publicly in the National Electoral Committee.

Chapter 10

Election Expenditure

§ 62. Expenditure for organisation of election

(1) Expenditure for the preparation and holding of elections to the European Parliament shall be covered from the state budget.

(2) The National Electoral Committee shall prepare a draft budget of election expenditure.

(3) The National Electoral Committee shall decide the distribution of budget expenditure based on the amount of allocations specified in the state budget.

(4) Expenditure related to the registration of voters (Chapter 5) shall be covered from funds so allocated from the state budget to the budget of the Ministry of Internal Affairs.

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

(1) A political party and an independent candidate shall, within one month after election day, submit a report to the Riigikogu committee specified in subsection 14 (2) of the Anti-corruption Act concerning expenses incurred and sources of funds used for the conduct of the election campaign (hereinafter report). The Riigikogu committee specified in subsection 14 (2) of the Anti-corruption Act shall disclose the reports.

(2) If a person who stood as a candidate in the list of a political party incurred expenses for the election campaign separately from the expenses of the campaign incurred by the political party, the report must also include information concerning such expenses. The provisions concerning reports of political parties apply to the above-mentioned expenses.

(3) (Repealed - 18.12.2003 entered into force 01.01.2004 - RT I 2003, 90, 601)

(4) A report shall consist of a part on the sources of funds and a part on expenses.

§ 64. Funds used for election campaign

(1) A political party and an independent candidate shall indicate the following in a report:

- 1) the date of receipt of funds;
- 2) the type of funds;
- 3) the value of funds in kroons;
- 4) the name and personal identification code or registry code of the person who allocated the funds.

(2) The types of funds received by political parties are:

- 1) membership fees established by the articles of association of the political parties;
- 2) donations from natural persons;
- 3) allocations from the state budget;
- 4) income earned on the assets of the political party;
- 5) loans or credit under the conditions provided for in subsection 12¹ (4) of the Political Parties Act (RT I 1994, 40, 654; 1996, 37, 739; 42, 811; 1998, 59, 941; 1999, 27, 393; 2002, 21, 117; 29, 174; 42, 264; 57, 355; 102, 602; 2003, 4, 22; 90, 601).

(21.01.2004 entered into force 14.02.2004 - RT I 2004, 6, 32)

(3) The types of funds received by independent candidates are:

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

(4) Anonymous and concealed donations are not permitted.

(21.01.2004 entered into force 14.02.2004 - RT I 2004, 6, 32)

§ 65. Expenses of election campaign

(1) A political party and an independent candidate shall indicate the following in a report:

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

(2) The types of expenses are:

1) advertising costs (expenses on printed matter, television and radio advertising and advertising in newspapers and magazines shall be indicated separately);

2) public relations costs;

3) the costs of publications;

4) transport costs;

5) rent charges;

6) the costs of organising public events;

7) communications costs;

8) postal charges;

9) other expenses.

(3) Information concerning contractual payments which have not been made and unpaid bills shall also be included in a report on expenses. A political party and an independent candidate shall submit an additional report concerning contractual payments which have not been made and unpaid bills.

Chapter 11

Complaints

§ 66. Definition of complaint

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

§ 67. Requirements for complaints

(1) A complaint shall be prepared in writing and the following shall be set out therein:

1) the name of the body to whom the complaint is submitted;

2) the name, postal address and telecommunications numbers of the complainant;

3) information concerning the contested decision or a description of the contested act;

4) a clearly expressed request;

5) reasons for the complaint;

6) the date.

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

(3) If a complaint does not comply with the requirements prescribed in subsections (1) and (2) of this section or a complaint is filed in violation of the procedure prescribed in §§ 68 and 69 of this Act, the body to whom the complaint is submitted may refuse to review the complaint and return the complaint to the complainant.

§ 68. Procedure for submission of complaints against act of division committee and for review of complaints

(1) If an individual, candidate or political party (hereinafter interested person) finds that the rights of the interested person are violated by an act of a division committee, the person may submit a complaint to the county electoral committee.

(2) A complaint must be submitted to the county electoral committee within three days after the performance of the act specified in subsection (1) of this section.

(3) A county electoral committee shall review a complaint and make a decision regarding the complaint within three working days as of the receipt of the complaint. The county electoral committee shall forward the decision to the complainant immediately.

(4) Complaints shall be reviewed publicly. The county electoral committee shall notify the complainant of the time and place of review of the complaint.

(5) The county electoral committee shall make one of the following decisions:

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

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

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 69. Procedure for submission of complaints against decision or act of county electoral committee and for review of complaints

(1) If an interested person finds that the rights of the interested person are violated by a decision or act of a county electoral committee, the person may submit a complaint to the National Electoral Committee. A person whose complaint against an act of a division committee is dismissed by a county electoral committee may file a complaint against the act of the division committee with the National Electoral Committee.

(2) The complaint shall be filed with the county electoral committee which made the decision or performed the act against which the complaint is filed or which reviewed the

complaint filed against an act within three days after the decision or act specified in subsection (1) of this section was made or performed. The county electoral committee shall forward the complaint together with its written explanation promptly to the National Electoral Committee.

(3) The National Electoral Committee shall review a complaint and make a decision regarding the complaint within three working days as of the receipt of the complaint. The National Electoral Committee shall forward the decision to the complainant immediately.

(4) Complaints shall be reviewed publicly. The National Electoral Committee shall notify the complainant of the time and place of review of the complaint.

(5) The National Electoral Committee shall make one of the following decisions:

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

(6) If the National Electoral Committee satisfies the complaint the committee may decide to perform acts prescribed in § 13(2) of this Act.

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 70. Filing of complaints against decision or act of National Electoral Committee

(1) If an interested person finds that an act of a division committee, a decision or act of a county electoral committee or a decision or act of the National Electoral Committee violates his or her rights, the person may file an appeal with the Supreme Court pursuant to the procedure prescribed in the Constitutional Review Court Procedure Act (RT I 2002, 29, 174; 2003, 4, 22; 24, 148).

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

§ 71. Declaration of voting results invalid

(1) If the National Electoral Committee or the Supreme Court has declared the voting results in a division, an electoral district, a county, the city of Tallinn or Tartu or the state invalid, the National Electoral Committee shall determine a new election day and a repeat

vote shall be held in the appropriate division, electoral district or county, in the city of Tallinn or Tartu or in the whole state.

(1¹) Repeat vote shall not be held if the National Electoral Committee has declared the results of electronic voting invalid and invited the persons who voted electronically to vote on election day pursuant to the procedure provided for in § 38 or § 45 of this Act.

(2) The provisions of §§ 39–44 and 46 and Chapter 8 of this Act do not apply to a repeat vote. RT I 2006, 30, 231, entered into force 14.07.2006]

Chapter 11¹

Responsibility

[RT I 2005, 37, 281, entered into force 10.07.2005]

§ 71¹. Violation of the restrictions established on political outdoor advertising

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

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50,000 kroons.

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

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

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

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

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

(4) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40; 46, 329; 54, 387; 56, 401; 88, 600; 2005, 20, 126) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110,

654; 2003, 26, 156; 83, 557; 88, 590; RT III 2004, 9, 96; RT I 2004, 46, 329; 54, 387 and 390; 56, 403) apply to the misdemeanour provided in subsections (1) and (2) of this section.

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

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

[RT I 2005, 37, 281, entered into force 10.07.2005]

§ 71². Taking ballot papers outside the polling place

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

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

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

[RT I 2006, 30, 231, entered into force 14.07.2006]

Chapter 12

Final Provisions

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

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

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

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

(4) If a candidate who is elected holds an office listed in clause 75 2), 4), 5), 7) or 8) of this Act at the time of declaration of election results, he or she must notify the National Electoral Committee, within ten days after the date of declaration of election results, whether

he or she agrees to participate in the work of the European Parliament or wishes to continue in his or her current office and decline the mandate. If the elected candidate agrees to participate in the work of the European Parliament, he or she must submit a copy of his or her letter of resignation from his or her current office to the National Electoral Committee.

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

§ 73. Registration of alternate members of European Parliament

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

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

(3) The candidates not elected in the list of the political party shall be registered as alternate members in the order specified in the list of the political party.

[RT I 2006, 55, 408, entered into force 23.12.2006]

§ 74. Registration of additional mandates

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

(2) Additional mandates are distributed on the basis of a table of comparative figures of political parties and independent candidates approved by a decision of the National Electoral Committee.

(3) The table of comparative figures sets out the comparative figures calculated for political parties and independent candidates (subsection 61 (1)) in decreasing order beginning with the first comparative figure which was not counted in the distribution of mandates.

(4) If at least two comparative figures are equal, the comparative figure of the political party or independent candidate which received more votes from voters shall receive a higher

ranking. If the number of votes of independent candidates or political parties is equal, the independent candidate or political party who was further towards the bottom of the consolidated list of candidates shall receive a higher ranking.

[RT I 2006, 30, 231, entered into force 14.07.2006]

§ 75. Incompatibility of office of Member of European Parliament

The following shall not be Members of the European Parliament:

- 1) members of the Riigikogu²;
- 2) the President of the Republic;
- 3) members of the Government of the Republic;
- 4) persons serving in offices appointed by the Riigikogu, the President of the Republic, the Government of the Republic, the Prime Minister or the head of a government agency or another state agency, except the chairman of a board if the appointment is made by the Riigikogu pursuant to law;
- 5) the Chairman of the Board of the Bank of Estonia;
- 6) regular members of the Defence Forces;
- 7) a rural municipality or city mayor;
- 8) members of a rural municipality or city council;
- 9) members of the Commission of the European Communities;
- 10) Judges, Advocates-General and the Registrar of the European Court of Justice and the Court of First Instance of the European Communities;
- 11) members of the Board of Directors of the European Central Bank;
- 12) members of the Court of Auditors of the European Communities;
- 13) the Ombudsman of the European Communities;
- 14) members of the Economic and Social Committee of the European Economic Community and European Atomic Energy Community;
- 15) members of the Committee of the Regions;
- 16) members of committees or other bodies set up pursuant to the Treaties establishing the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent direct administrative task;
- 17) members of the Board of Directors, Management Committee or staff of the European Investment Bank;

18) active officials or servants of the institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank.

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

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

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

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

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

§ 77. Refund of security

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

§ 78. Implementation of electronic voting

Electronic voting shall not be implemented before 2005.

§§ 79-92 [Not included in the current text]