

## **Local Government Council Election Act**

Passed 27 March 2002

(RT<sup>1</sup> I 2002, 36, 220),

entered into force 6 May 2002,

amended by the following Acts:

21.01.2004 entered into force 14.02.2004 - [RT I 2004, 6, 32](#);  
18.12.2003 entered into force 01.01.2004 - [RT I 2003, 90, 601](#);  
30.07.2002 entered into force 07.08.2002 - [RT I 2002, 68, 407](#);  
19.06.2002 entered into force 01.09.2002 - [RT I 2002, 63, 387](#);  
12.06.2002 entered into force 18.07.2002 - [RT I 2002, 57, 355](#).  
22.09.2004 entered into force 29.10.2004 - [RT I 2004, 71, 501](#);  
19.04.2005 entered into force 19.04.2005 - [RT III 2005, 13, 128](#);  
20.04.2005 entered into force 27.05.2005 - [RT I 2005, 25, 194](#);  
09.06.2005 entered into force 10.07.2005 - [RT I 2005, 37, 281](#);  
28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#);  
19.04.2006 entered into force 01.06.2006 - [RT I 2006, 21, 159](#);  
17.05.2006 entered into force 01.08.2006 - [RT I 2006, 26, 191](#);  
7.06.2006 entered into force 14.07.2006 - [RT I 2006, 30, 231](#);  
15.06.2006 entered into force 17.07.2006 - [RT I 2006, 32, 244](#);  
11.10.2006 entered into force 18.11.2006 - [RT I 2006, 48, 358](#);  
14.06.2007 entered into force 14.07.2007 - [RT I 2007, 44, 316](#);  
10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#);  
11.12.2008 entered into force 16.01.2009 - [RT I 2009, 2, 5](#).

The judgement No. 3-4-1-1-05) of Supreme Court *en banc* of 19 April 2005 (505.2005 entered into force 19.04.2005– [RT III 2005, 13, 128](#)) repeals section 70<sup>1</sup>.

### **Chapter 1**

#### **General Provisions**

##### **§ 1. Bases of election system**

- (1) The elections of members of local government councils (hereinafter councils) shall be free, general, uniform and direct. Voting shall be secret.
- (2) Each voter shall have one vote.
- (3) Election results shall be verified on the basis of proportional representation.

##### **§ 2. Time of elections**

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

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

- (1) If the number of members of a council falls below the number required to obtain a majority of the votes of the membership of the council, supplementary elections shall be held in electoral districts where there are no more alternate members in the lists in order to elect members to the unfilled positions in the council.
- (2) The chairman or deputy chairman of the council or, in their absence, the rural municipality mayor or city mayor shall notify the county governor of the circumstances specified in subsection (1) of this section within three days.

(3) A county governor shall call supplementary elections by his or her order with the approval of the National Electoral Committee within ten days after receipt of the notice specified in subsection (2) of this section. The elections shall be held not later than on the thirtieth day after the elections are called. Supplementary council elections shall be held on a Sunday.

(4) A rural municipality or city electoral committee shall, by a resolution thereof and with the approval of the National Electoral Committee, establish the terms for the acts regarding supplementary elections and publish them within three days after the date on which the resolution is adopted.

(5) Supplementary elections shall not be held during the three-month period directly preceding the regular local government council elections.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

(1) If a new local government is formed due to a merger of local governments, the elections for the council of the newly formed local government shall be held at a time prescribed in § 2 of this Act.

(2) If the relevant local governments merge during the period between regular elections, the elections for the council of the newly formed local government shall be held before the time prescribed in § 2 of this Act.

(3) The elections for the council of a newly formed local government shall not be held during the period between regular elections if the regulation of the Government of the Republic on the alteration of administrative-territorial organisation enters into force less than one year before the election day prescribed in § 2.

(4) In the case specified in subsection (2) of this section, a county governor shall declare the elections of the council of the newly formed local government by his or her order with the approval of the National Electoral Committee within ten days after entry into force of a regulation of the Government of the Republic on alteration of administrative-territorial organisation. Elections shall not be held earlier than on the ninetieth day after the elections are called. Elections shall be held on a Sunday.

(15.06.2006 entered into force 17.07.2006 - [RT I 2006, 32, 244](#))

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

(1) Estonian citizens and citizens of the European Union who have attained 18 years of age by election day and whose permanent residence, i.e. residence the address details of which have been entered in the Estonian population register (hereinafter population register), is located in the corresponding rural municipality or city have the right to vote.

(2) An alien has the right to vote if he or she meets the conditions specified in subsection (1) of this section and:

1) resides in Estonia on the basis of a long-term residence permit or the right of permanent residence;

2) (Repealed - 11.10.2006 entered into force 18.11.2006 – RT I 2006, 48, 358)

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

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

(5) Every Estonian citizen and citizen of the European Union who has the right to vote and whose permanent residence is located in the corresponding rural municipality or city not later than on 1 August of an election year has the right to stand as a candidate.

(6) A regular member of the Defence Forces or a person who has been convicted of a criminal offence by a court and is serving a prison sentence shall not stand as a candidate for election to a council.

(14.06.2007 entered into force 14.07.2007 - [RT I 2007, 44, 316](#))

### **§ 5<sup>1</sup>. Alien**

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

(11.10.2006 entered into force 18.11.2006 - [RT I 2006, 48, 358](#))

## **Chapter 2 Campaigning**

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

(1) Active campaigning is prohibited on election day.

(2) Campaigning is prohibited in polling places and in premises through which voters enter polling places.

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

(12.06.2002 entered into force 18.07.2002 - RT I 2002, 57, 355)

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

Advertising of independent candidates, political parties or candidates in the list of a political party, election coalitions or candidates in the list of an election coalition or their logo or other distinctive mark or programme on a building, construction, inside or on the outside of public transport vehicles and taxis and other political outdoor advertising is prohibited during active campaigning.

(09.06.2005 entered into force 10.07.2005 - [RT I 2005, 37, 281](#))

## **Chapter 3 Number of Council Members, and Electoral Districts and Polling Divisions**

### **§ 7. Determination of number of members of council**

(1) The number of members of the next composition of a council shall be determined by a resolution of the council. The number of members of a council shall be uneven.

(2) A council shall have at least seven members. The number of members shall be determined on the basis of the information held in the population register, according to the number of residents in the rural municipality or city as at 1 June of the election year as follows:

- 1) a council of not less than 13 members for more than 2000 residents;
- 2) a council of not less than 17 members for more than 5000 residents;
- 3) a council of not less than 21 members for more than 10 000 residents;
- 4) a council of not less than 31 members for more than 50 000 residents;
- 5) a council of not less than 79 members for more than 300,000 residents.

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

(3) The number of members of a council shall be determined not later than on the ninetieth day before election day.

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

## **§ 8. Formation of electoral districts**

- (1) A council shall form one electoral district in the territory of a rural municipality or city.
- (2) Several electoral districts may be formed:
  - 1) in local governments with more than 50 000 residents;
  - 2) in local governments which are formed due to a merger or division during the past two election cycles;
  - 3) in local governments in which rural municipality or city districts have been formed.
- (3) The number of mandates in electoral districts to be formed shall not be less than three.
- (3<sup>1</sup>) In the case specified in clause (2) 2) of this section, electoral districts shall be formed by the merging local governments.  
(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))
- (4) In Tallinn, the council shall form electoral districts by city district, based on the principle that one electoral district shall be formed in one city district.  
(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))
- (5) The resolution of a council concerning the formation of electoral districts shall set out the numeration and boundaries of the districts and the number of mandates in each district.
- (6) Electoral districts shall be formed not later than on the ninetieth day before election day.
- (7) A council shall publish the resolution specified in subsection (5) of this section within three working days as of the day on which the corresponding resolution is adopted.

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

- (1) A council shall divide the mandates between the electoral districts, based on the number of voters according to the information held in the population register as at 1 June of the election year, as follows:
  - 1) the total number of voters shall be divided by the number of council members;
  - 2) the number of voters in an electoral district shall be divided by the number obtained as a result of the calculation specified in clause 1) of this subsection;
  - 3) each electoral district shall be awarded a particular number of mandates in correspondence with the integer of the number obtained as a result of the calculation made according to clause 2) of this subsection;
  - 4) mandates which are not distributed pursuant to clause 3) of this subsection shall be distributed on the basis of the largest-remainder rule, using the fractions of numbers obtained as a result of the calculation specified in clause 2) of this subsection.
- (2) In a local government with several electoral districts, half of the mandates shall be divided equally among the electoral districts, taking account of the principle that the number of district mandates is the smallest whole number which can be divided by the number of the electoral districts which is at least half of all the mandates. The remaining mandates shall be divided in accordance with the provisions of subsection (1) of this section.  
(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

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

- (1) In order to hold voting, polling divisions shall be formed in the territory of an electoral district.
- (2) Polling divisions shall be formed by a regulation of the rural municipality or city government, which shall set out:
  - 1) the numeration of the polling divisions;
  - 2) the boundaries of the polling divisions;

- 3) the location of polling places;
  - 4) at least one polling division where voters can vote outside the polling division of their residence (subsection 47 (2));
  - 5) a polling division where voters can vote if the information on their residence in the rural municipality or city is entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district.
- (3) Polling divisions are permanent. Voting shall be held in the same polling divisions for Riigikogu<sup>2</sup>, local government council, European Parliament elections and referendums, unless the rural municipality or city government determines otherwise and amends the regulation specified in subsection (2) of this section.  
(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))
- (4) A rural municipality or city government may amend a regulation specified in subsection (2) of this section not later than on the fiftieth day before election day or in extraordinary cases later. The rural municipality or city government shall promptly notify the National Electoral Committee and the chief processor of the population register of any such amendments.
  - (5) A rural municipality or city government shall make the information specified in subsection (2) of this section public before each election.
  - (6) A county electoral committee shall make the information specified in subsection (2) of this section public during the week before the start of advance polls.

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

- (1) In order for elections of a new local government to be held, the councils concerned shall, upon agreement, perform the following acts:
  - 1) determine the number of members of the new council based on the provisions of subsections 7 (1) and (2) of this Act and the number of residents in the territory of the new rural municipality or city, according to the information held in the population register as at 1 January of the year in which the number of members is determined;
  - 2) form electoral districts in the territory of the new rural municipality or city based on the provisions of subsections 8 (1)–(5) of this Act.
- (2) The distribution of mandates shall be based on the provisions of subsections 9 (1) and (2) of this Act and the number of residents in the territory of the new rural municipality or city according to the information held in the population register as at 1 January of the year in which the mandates are distributed.
- (3) The rural municipality or city governments concerned shall, upon agreement, form polling divisions in the territory of the electoral districts based on the provisions of § 10 of this Act.
- (4) The rural municipality or city councils and rural municipality or city governments concerned shall adopt the resolutions and issue the orders specified in this section before all the documents which are necessary in order to alter the administrative-territorial organisation are submitted to the county governor or county governors concerned.

### **Chapter 4**

#### **Electoral Committees**

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

- (1) Council elections are organised by the following electoral committees:
  - 1) the National Electoral Committee;
  - 2) the county electoral committees;
  - 3) rural municipality and city electoral committees;

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

### **§ 13. Term of authority of electoral committees**

- (1) The term of authority and the procedure for formation of the National Electoral Committee, county electoral committees and the electoral committees of the cities of Tallinn and Tartu is prescribed in the Riigikogu Election Act.
- (2) Rural municipality and city electoral committees and division committees shall be formed before the election of the council. The authority of rural municipality and city electoral committees and division committees shall continue until the new membership of the committee is appointed.

### **§ 14. Member of electoral committee**

- (1) An Estonian citizen or a citizen of the European Union who has the right to vote according to subsections 5 (1), (3) and (4) of this Act may be a member of a rural municipality or city electoral committee. A member of a rural municipality or city electoral committee shall be proficient in Estonian.
- (2) An Estonian citizen, a citizen of the European Union or an alien who has the right to vote according to subsections 5 (1)-(4) of this Act may be a member of a division committee. A member of a division committee shall be proficient in Estonian.
- (3) A person may be a member of only one electoral committee.
- (4) The authority of a member of an electoral committee shall terminate prematurely:
  - 1) if it becomes evident that he or she does not have the right vote pursuant to subsections 5 (1) – (4) of this Act;
  - 2) due to his or her resignation;
  - 3) due to his or her death.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

- (5) A person may be released from his or her duties as a member of an electoral committee by a reasoned resolution of the body which appointed him or her either on the initiative thereof or on the proposal of the electoral committee.
- (6) The authority of a member of an electoral committee shall be suspended if he or she:
  - 1) forms an election coalition or becomes an authorised representative of a political party, election coalition or an independent candidate;
  - 2) is nominated as a candidate for election to a council.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

- (7) The National Electoral Committee may suspend the authority of a member of a county electoral committee, a rural municipality or city electoral committee or a division committee who has violated law. A county electoral committee may suspend the authority of a member of a rural municipality or city electoral committee or a division committee who has violated law.

- (8) The authority of a member of an electoral committee shall be restored:
  - 1) in the case prescribed in clause 6 1) of this section, as of the date when the election results are announced;
  - 2) in the case prescribed in clause (6) 2) of this section, as of the date following the date when the candidate is not registered or declines to stand as a candidate or as of the date when the election results are announced if the candidate is not elected.

- (9) A member of an electoral committee shall not campaign for or against political parties, election coalitions or candidates.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(10) A member of an electoral committee shall be independent in the performance of his or her duties. A member of an electoral committee shall operate pursuant to law and the instructions of a superior electoral committee.

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

(1) The work format of an electoral committee shall be a meeting, which shall be convened by the chairman of the committee or, in his or her absence, by the deputy chairman, and in the absence of both the chairman and the deputy chairman, by the youngest member of the electoral committee.

(2) An electoral committee has a quorum if at least one-half of the members of the committee are present, including the chairman or deputy chairman.

(3) Minutes shall be taken of the meetings of an electoral committee.

(4) The meetings of an electoral committee shall be public. Everyone has the right to examine resolutions of an electoral committee and the minutes of committee meetings.

(5) An electoral committee shall decide issues within its competence by a majority of votes in favour. Any dissenting opinion of a member of the committee shall be recorded in the minutes.

(6) If the authority of a member of an electoral committee is suspended or terminates, the chairman shall notify the first alternate member thereof who shall assume the obligations of the member of the electoral committee.

(7) On the basis of a resolution of an electoral committee, alternate members and other persons may participate in election activities.

(8) If a principal member of the National Electoral Committee cannot participate in a meeting of the Committee, an alternate member who has all the rights and obligations of the principal member, except the rights and obligations of the chairman or deputy chairman, shall substitute for him or her.

(9) For the time elections are being organised, the employment contract or service relationship of a member or alternate member of an electoral committee or a person assisting the committee shall be suspended on the basis of a proposal made by the electoral committee.

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

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

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

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

(1) The function of the National Electoral Committee is to ensure the uniformity of the conduct of council elections, instruct other electoral committees, exercise supervision over their activities and perform other functions arising from law.

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

1) issue precepts for the elimination of deficiencies of an act of a county electoral committee, rural municipality or city electoral committee or division committee or a resolution of a county electoral committee or rural municipality or city electoral committee;

2) suspend an act of a county electoral committee, rural municipality or city electoral committee or the validity of a resolution of a county electoral committee or rural municipality or city electoral committee;

3) declare a resolution of a county electoral committee or rural municipality or city electoral committee invalid and, if necessary, issue a precept for a new resolution to be adopted.

4) declare the voting results in a polling division, electoral district, rural municipality or city invalid and to hold a repeat vote if the violation significantly affected or could have significantly affected the voting results.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

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

1) the procedure for the nomination and registration of candidates;

1<sup>1</sup>) the standard format of applications for the registration of election coalitions;

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

2) the standard format of applications for the registration of candidates, the standard format of the list of candidates in an electoral district, the standard format of the list of candidates in a rural municipality or city, the standard format of applications to stand as a candidate and the standard format of the personal data forms of candidates;

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

3) the standard format of notices informing citizens of the European Union of their right to vote;

4) the standard format of polling lists;

5) the procedure for the holding of voting and verification of voting results and election results;

6) the standard format of ballot papers;

7) the standard format of the records of voting results and election results;

8) the status of observer;

9) the procedure for the use of money allocated for the organisation of elections;

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

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

(6) Regulations, resolutions and instructions of the National Electoral Committee shall be binding on county electoral committees, rural municipality and city electoral committees and division committees.

(7) The National Electoral Committee shall file a protest with the Supreme Court in order to invalidate a resolution of a rural municipality or city electoral committee by which a person was registered as a member of a council if it has become evident that the council member does not comply with the requirements prescribed in subsections 5 (5) or (6) of this Act.

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

(1) The function of a county electoral committee is to instruct rural municipality and city electoral committees and division committees, exercise supervision over their activities and perform other functions arising from this Act.

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

1) issue precepts for the elimination of deficiencies of an act of a rural municipality or city electoral committee or division committee or a resolution of a rural municipality or city electoral committee;

- 2) suspend an act of a rural municipality or city electoral committee or division committee or the validity of a resolution of a rural municipality or city electoral committee;
- 3) declare a resolution of a rural municipality or city electoral committee invalid and, if necessary, issue a precept for a new resolution to be adopted.
- (3) A county electoral committee shall adopt a resolution in order to resolve an individual matter within the competence of the county electoral committee. The resolution shall be signed by the chairman of the committee. The resolution shall enter into force upon signature thereof.
- (4) Resolutions and instructions of a county electoral committee shall be binding on rural municipality and city electoral committees and division committees.

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

- (1) A rural municipality or city electoral committee shall be comprised of up to seven members.
- (2) The members of a rural municipality or city electoral committee shall be appointed not later than on the ninetieth day before election day.
- (3) The chairman of a rural municipality or city electoral committee shall be the corresponding rural municipality or city secretary. The members of the rural municipality or city electoral committee shall be appointed by the council on the proposal of the rural municipality or city secretary. The council shall also, on the proposal of the rural municipality or city secretary, appoint up to two alternate members who, during the term of the committee and in the order specified by the council, shall replace committee members whose authority is suspended or terminates.
- (4) The deputy chairman of a rural municipality or city electoral committee shall be elected by the committee from among its members.
- (5) Operational and clerical support shall be provided to a rural municipality or city electoral committee by the rural municipality government or city government.
- (6) A rural municipality or city government shall designate and publish the location of the rural municipality or city electoral committee.
- (7) A rural municipality or city electoral committee shall specify and publish its working hours. An electoral committee shall work on each working day for the period from when the time for the nomination of candidates begins to the registration of candidates.

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

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

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

- (2) A rural municipality or city electoral committee shall adopt resolutions in order to resolve individual matters within the competence of the electoral committee. A resolution shall be signed by the chairman of the committee. A resolution shall enter into force upon signature thereof.

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

- (1) The chairman and up to eight members of a division committee shall be appointed by a resolution of the council not later than on the twentieth day before election day.
- (2) The council shall appoint half of the members of a division committee on the proposal of the rural municipality or city secretary and the rest of the members from among the persons put forward by the political parties and election coalitions which participate in the elections. A

political party or election coalition shall put forward one candidate for the position of member of a division committee to the rural municipality or city secretary not later than on the forty-fifth day before election day. The candidate must consent to being put forward. If political parties or election coalitions do not put forward any candidates or if the number of candidates put forward is lower than the number of members of the division committee appointed from among the candidates of the political parties and election coalitions, the council shall appoint the rest of the members on the proposal of the rural municipality or city secretary.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(3) On the proposal of the rural municipality or city secretary, the council shall also appoint 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.

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

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

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

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

## **§ 23. Acts in event of election to council of new local government**

(1) In order for elections to the council of a new local government to be held, the councils concerned shall, upon agreement, appoint the members and alternate members of the rural municipality or city electoral committee on the proposal of the relevant rural municipality or city secretaries in accordance with the provisions of subsections 19 (1) and (3) of this Act.

(2) The chairman and deputy chairman of a rural municipality or city electoral committee shall be elected by the committee from among its members. The authority of the chairman of the committee shall continue until the rural municipality or city secretary of the new local government is appointed.

(3) The councils concerned shall, upon agreement, appoint the members of the division committees on the proposal of the rural municipality or city secretary concerned in accordance with the provisions of subsections 21 (1) and (3) of this Act. The chairman and deputy chairman of a division committee shall be elected by the committee from among its members.

(4) The rural municipality or city councils concerned shall adopt the resolutions specified in this section before all the documents which are necessary in order to alter the administrative-territorial organisation are submitted to the county governor or county governors concerned.

## **Chapter 5**

### **Registration of Voters**

#### **§ 24. Registration of voters**

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

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

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

1) given name and surname;

2) date of birth;

- 3) personal identification code;
  - 4) information on citizenship;
  - 5) the existence of a long-term residence permit or the right of permanent residence in the case of an alien;
- (17.05.2006 entered into force 01.08.2006 - [RT I 2006, 26, 191](#))
- 6) information on divestment of active legal capacity;
  - 7) information on place of residence.

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

(1) Not later than on the seventieth day before election day, the chief processor of the population register shall organise the preparation of notices and their sending to citizens of the European Union who, pursuant to subsections 5 (1), (3) and (4) of this Act, have the right to participate in voting.

(2) The following shall be entered on a notice:

- 1) the given name and surname of the voter;
- 2) the year of birth of the voter;

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

- 3) the residential address;
- 4) information on the procedure for the voter to exercise the right to vote and to stand as a candidate;
- 5) information on the procedure for standing as a candidate and voting.

### **§ 26. Polling card**

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

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

- 1) the given name and surname of the voter;
- 2) the year of birth of the voter;

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

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

### **§ 27. Polling list**

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

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

The electronic polling lists shall be sent to the National Electoral Committee not later than by the eleventh day before election day.

(11.12.2008 entered into force 16.01.2009 - [RT I 2009, 2, 5](#))

(2) The basis for the preparation of polling lists shall be the information prescribed in subsection 24 (3) of this Act, as at thirty days before election day. Upon preparation of a polling list, any changes made to the information specified in clauses 24 (3) 1)-6) of this Act later than thirty days before election day shall also be taken into account. Any changes made to the residential address less than thirty days before election day shall not be taken into account.

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

(4) A voter shall be entered in the polling list of the polling division in the territory of which his or her residence, as entered in the population register, is located on the thirtieth day before election day. If the information on the residence of a voter is entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, the voter shall be entered in the polling list of a polling division determined pursuant to clause 10 (2) 5) of this Act.

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

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

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

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

(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.

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

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

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

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

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

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

(2) The rural municipality or city secretary shall review the application together with the person who prepared the polling list and shall respond to the applicant and inform the division committee of the results of the review.

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

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

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

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

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

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

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

(4) A division committee shall make an amendment in a polling list on the basis of a notice issued by the rural municipality or city secretary.

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

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

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

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

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

## **Chapter 6**

### **Nomination and Registration of Candidates**

#### **§ 31. Political party**

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

(2) The Minister of Justice shall send a list of political parties to the National Electoral Committee not later than seventy days 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 council elections under their own name.

(4) A political party shall, upon nominating candidates, submit a written notice to the rural municipality or city electoral committee which sets out the names, personal identification codes, addresses and telecommunications numbers of the authorised representatives of the political party. A person entitled to represent a political party according to the Non-profit Associations Act (RT I 1996, 42, 811; 1998, 96, 1515; 1999, 10, 155; 23, 355; 67, 658; 2000, 55, 365; 88, 576; 2001, 56, 336; 93, 565; 2002, 53, 336; 2003, 88, 591) or the articles of association of the political party shall sign the notice. If a political party is not in the list set out in subsection (2) of this section, the political party shall also submit a certificate concerning its entry in the non-profit associations and foundations register.

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

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

(1) Estonian citizens and citizens of the European Union who have the right to vote may form an election coalition. A citizen may be involved in forming only one election coalition in council elections.

(2) An election coalition shall be presented for registration to the rural municipality or city electoral committee not earlier than on the sixtieth and not later than on the forty-fifth day before election day.

(3) In order for an election coalition to be registered, the authorised representative of the election coalition shall submit an application to the rural municipality or city electoral committee. The application shall set out the following:

- 1) the name of the rural municipality or city for the council elections of which the election coalition is formed;
- 2) the name of the election coalition;
- 3) the names, personal identification codes, addresses and telecommunications numbers of up to two authorised representatives;
- 4) the names, personal identification codes and signatures of the Estonian citizens and citizens of the European Union who have the right to vote and who formed the election coalition;
- 5) other information concerning the activities of the election coalition if the election coalition so wishes.

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

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

(5) A rural municipality or city electoral committee shall register an election coalition presented for registration according to the requirements within three days after receipt of the documents set out in subsection (3) of this section.

(6) A rural municipality or city electoral committee shall not register an election coalition if the documents set out in subsection (3) of this section are not submitted within the term for presentation for registration thereof or if they contain omissions or errors or if the formation of the election coalition is prohibited arising from this Act.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

### **§ 32. Independent candidate**

(1) Every person who has the right to stand as a candidate (subsections 5 (5) and (6)) may nominate himself or herself as an independent candidate and perform the acts necessary for

registration. Every person who has the right to vote pursuant to subsections 5 (1), (3) and (4) of this Act may nominate another person as an independent candidate and perform the acts necessary for registration on the basis of a corresponding authorisation document.

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

### **§ 33. Candidate documents**

(1) The following are candidate documents:

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

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

- 1) express his or her desire to stand as a candidate in the list of a political party or election coalition or to stand as an independent candidate;

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

2) confirm that he or she complies with the requirements of this Act for candidates standing in council elections.

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

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

(3<sup>1</sup>) A citizen of the European Union shall also enter data on citizenship in the personal data form of a candidate.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

- 1) place of birth;
- 2) education, area of specialisation, name of educational institution and time of graduation;
- 3) research degree;
- 4) place of employment;
- 5) position.

(5) The rural municipality or city electoral committee shall not disclose the personal identification code, residential address or telecommunications numbers of a candidate.

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

(7) An application to stand as a candidate and the personal data form of a candidate shall be signed by the candidate.

### **§ 34. List of candidates**

(1) A political party or an election coalition shall prepare the following:

- 1) the lists of candidates in electoral districts;
- 2) the lists of candidates in a rural municipality or city, if more than one electoral districts have been formed in one local government.

(2) A nominated candidate shall be included in both lists specified in subsection (1) of this section.

(3) A person may stand as a candidate in only one electoral district.

(4) A person may stand as a candidate in one list of candidates prepared by a political party or election coalition. A person who is nominated as an independent candidate shall not stand in a list of candidates.

- (5) A political party or election coalition may present only one candidate list for registration in an electoral district.
- (6) The order of the candidates in a list of candidates shall be specified by the political party or election coalition.
- (7) All the authorised representatives of a political party or election coalition shall sign the lists of candidates in electoral districts and the lists of candidates in rural municipalities or cities.
- (10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

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

- (1) The nomination of candidates shall begin on the sixtieth day before election day. A political party may put forward its candidates after submission of a notice specified in subsection 31 (4) of this Act and an election coalition may put forward its candidates after registration of the election coalition.
- (30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)
- (2) The nomination of candidates shall end at 6 p.m. on the fortieth day before election day.
- (3) In order to register candidates, a political party or election coalition shall submit the following to the rural municipality or city electoral committee:
- (30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)
- 1) an application for the registration of candidates;
  - 2) the lists of candidates in electoral districts;
  - 2<sup>1</sup>) the lists of candidates in the rural municipality or city in case of a local government with several electoral districts;
- (10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))
- 3) the candidate documents of each candidate (subsection 33 (1)).
- (4) An independent candidate shall submit the following to the rural municipality or city electoral committee:
- 1) an application for registration of the candidate;
  - 2) the candidate documents (subsection 33 (1)).

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

- (1) Rural municipality and city electoral committees shall maintain records concerning the nomination of candidates.
- (2) The registration documentation of candidates shall be delivered by an authorised representative of the political party or election coalition. The registration documentation of an independent candidate shall be delivered by the independent candidate or his or her authorised representative.
- (30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)
- (3) If not all the required documents are submitted to the rural municipality or city electoral committee or if the documents contain errors or omissions or they are not in conformity with the standard format established by the National Electoral Committee, the person who accepts the documents shall propose to the submitter of the documents that the required documents or information be submitted, that documents conforming with the standard format be submitted or that the errors be corrected. All submitted documents shall be returned.
- (4) If a political party, an election coalition or an independent candidate wishes to make amendments to the registration documentation of candidates, the rural municipality or city electoral committee shall return all the submitted documents and, upon re-submission thereof, the documents are deemed to have been submitted for the first time.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(5) If a candidate is deleted from the list of nominated candidates on the basis of a personal application, the rural municipality or city electoral committee shall return the candidate documents to him or her and inform an authorised representative of the political party, election coalition or independent candidate thereof. The political party or election coalition need not re-submit the registration documentation of candidates.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(1) The rural municipality or city electoral committee shall, after expiry of the term for the nomination of candidates but not later than on the thirty-fifth day before election day, register all persons nominated in accordance with the requirements of this Act in the order of their nomination.

(2) Each candidate shall be assigned a registration number. Registration numbers shall begin at 101 and be assigned to the candidates by lists of political parties and independent candidates. Independent candidates shall be assigned a registration number after each list of candidates of political parties and election coalitions has been assigned a registration number. The order in which numbers are assigned to the political parties, election coalitions and independent candidates shall be decided by lot.

(22.09.2004 entered into force 29.10.2004 - [RT I 2004, 71, 501](#))

(3) If, within the term specified in subsection 36 (6) of this Act, a political party, an election coalition or an independent candidate has not performed the acts required by the rural municipality or city electoral committee, the rural municipality or city electoral committee shall not register:

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

1) any of the candidates nominated by the political party or election coalition if documents specified in clauses 35 (3) 1), 2) or 2<sup>1</sup>) of this Act are missing or if the documents contain errors or are not in conformity with the standard format;

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

2) a candidate if documents or information concerning him or her are missing or if their documents contain errors or are not in conformity with the standard format.

(4) A rural municipality or city electoral committee shall adopt a reasoned resolution on failure to register a candidate.

(5) A rural municipality or city electoral committee shall revoke a resolution to register a candidate if:

1) the candidate declines to stand as a candidate on the basis of a written application which may be submitted by him or her within three days after registration;

2) the candidate dies;

3) it is established that the candidate does not comply with the requirements prescribed in subsections 5 (5) or (6) of this Act.

(6) A rural municipality or city electoral committee shall register a person who was not registered previously after the term specified in subsection (1) of this section if the committee finds that the person complies with the requirements prescribed in subsections 5 (5) and (6) of this Act or if the resolution not to register the candidate is revoked by a resolution of a county electoral committee or the National Electoral Committee or a judgment of the Supreme Court.

(7) A resolution on registration may be revoked and a person who was not registered may be registered not later than on the day before the start of advance polls.

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

(1) If the number of candidates nominated in an electoral district is equal to or less than the number of mandates in the district, the rural municipality or city electoral committee shall propose that the political parties and the election coalitions registered in the rural municipality or city supplementarily nominate candidates and that the voters supplementarily nominate independent candidates. Candidates who are supplementarily nominated shall be registered together with the candidates initially nominated not later than on the fifteenth day before election day.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(3) If, on the fifteenth day before election day, the number of candidates nominated in an electoral district is equal to or less than the number of mandates in the district, the rural municipality or city electoral committee shall adopt a resolution concerning postponement of the elections for up to one month in the rural municipality or city. In such case, the rural municipality or city electoral committee shall at the same time prepare and publish a schedule for holding the elections.

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

(4) In the event of the postponement of elections, the provisions of §§ 46-51 of this Act do not apply.

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

(1) After the registration of candidates, the rural municipality or city electoral committee shall prepare the consolidated list of candidates in the electoral district.

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

(22.09.2004 entered into force 29.10.2004 - [RT I 2004, 71, 501](#))

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

(4) A rural municipality or city electoral committee shall forward the consolidated lists of candidates in the electoral district and the lists of candidates in a rural municipality or a city. The National Electoral Committee shall prepare the list of candidates to all councils.

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

(5) A rural municipality or city electoral committee shall notify the National Electoral Committee promptly of all corrections and amendments to the consolidated list of candidates in the rural municipality or city or the list of candidates in the rural municipality or city. The National Electoral Committee shall notify other electoral committees of such corrections and amendments. The electoral committees shall make the corresponding corrections and amendments to the consolidated list of candidates to all councils. The lists of candidates shall not be amended after the start of advance polls.

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

## **Chapter 7**

### **Voting Procedure**

#### **§ 40. Polling place**

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

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

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

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

#### **§ 41. Voting booth**

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

(2) There shall be a table and a writing instrument in a voting booth. The consolidated list of candidates in the electoral district shall be posted on the wall of the voting booth.

#### **§ 42. Ballot box**

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

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

(3) After the close of voting on advance polling days, the division committee shall seal the opening of the ballot box used for advance polls.

#### **§ 43. Ballot paper**

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

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

(3) After the receipt of ballot papers, the division committee shall affix the seal of the division committee to the ballot papers.

#### **§ 44. 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 - 11.12.2008 entered into force 16.01.2009 – 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.;  
(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))
  - (3) from the tenth day to the fourth day before election day by electronic means. Voting shall open at 9 a.m. on the tenth day before election day and shall last twenty-four hours a day until the close of voting at 8 p.m. on the fourth day before election day.  
(11.12.2008 entered into force 16.01.2009 - [RT I 2009, 2, 5](#))
- (4) (Repealed - 11.12.2008 entered into force 16.01.2009 – RT I 2009, 2, 5)

#### **§ 45. Voting**

- (1) A voter shall vote in the polling division where he or she is entered in the polling list, except in the cases prescribed in §§ 47–51 of this Act.
- (2) In order to obtain a ballot paper, a voter shall present an identity document to the division committee. The voter shall sign the polling list against receipt of the ballot paper.
- (3) The voter shall complete the ballot paper in a voting booth.
- (4) The voter shall write the registration number of the candidate in the electoral district of his or her residence for whom he or she wishes to vote in the designated space on the ballot paper.
- (5) The voter shall complete the ballot paper himself or herself. If he or she is unable to complete the ballot paper himself or herself due to a physical disability, another voter, but not a candidate in the election district of his or her residence, may do so at his or her request and in his or her presence.
- (6) A voter shall not take the ballot paper out of the polling place. If a voter spoils the ballot paper, he or she has the right to receive another ballot paper from the division committee. The voter shall return the spoiled or unused ballot paper to the division committee.  
(07.06.2006 entered into force 14.07.2006 - [RT I 2006, 30, 231](#))
- (7) After completing the ballot paper, the voter shall fold the ballot paper and hand it to a member of the division committee who shall affix the seal of the division committee to the outside of the folded ballot paper.
- (8) The voter shall deposit the ballot paper in the ballot box himself or herself. If he or she is unable to deposit the ballot paper in the ballot box himself or herself due to a physical disability, another voter may do so at his or her request and in his or her presence.

#### **§ 46. Advance polls**

- (1) Advance polls shall be held pursuant to the procedure prescribed in § 45 of this Act.
- (2) A voter entered in the polling list who has attained 18 years of age by the day of the advance polls has the right to vote at the advance polls.
- (3) Advance polls shall be organised by at least three members of the division committee.
- (4) A member of the division committee shall mark the date of voting in the polling list concerning each voter who has voted.
- (5) The division committee shall keep the ballot box and voting documents on advance polling days and the following days such that only members of the division committee have access to them.

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

(1) On advance polling days (subsection 44 (2)), voters may vote outside the polling division of their residence in a polling division designated by the rural municipality or city government.

(11.12.2008 entered into force 16.01.2009 - [RT I 2009, 2, 5](#))

(2) A division committee designated by the rural municipality or city government shall organise voting outside the polling division of residence. The rural municipality or city government may designate a division committee which, in addition to advance polls, organises voting only at the location of a voter (§ 49) or only in custodial institutions (§ 51).

(3) (Repealed - 11.12.2008 entered into force 16.01.2009 – RT I 2009, 2, 5)

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

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

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

(3) The voter shall complete the ballot paper pursuant to the provisions of subsections 45 (3)-(6) of this Act.

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

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

(1) If a voter who wishes to vote outside the polling division of his or her residence is unable to vote at a polling place located in a polling division due to his or her state of health or for another good reason, he or she may, until 4 p.m. on the last day of advance polling, submit a written application to vote at his or her location to the rural municipality or city government of his or her location or to a division committee prescribed in subsection 47 (2) of this Act. The division committee shall register the application. The rural municipality or city government shall register the application and forward it to the corresponding division committee.

(2) Voting shall be organised by at least two members of the division committee pursuant to the provisions of subsections 45 (4)-(6) and subsections 48 (1), (2) and (4) of this Act.

#### **§ 50. Electronic voting**

(1) Voters may vote on the website of the National Electoral Committee on the days prescribed in clause 44 (2) 3) of this Act using electronic means. A voter shall vote himself or herself.

(2) A voter shall certify his or her identity by a certificate which enables digital identification entered on his or her identity card.

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

(4) The voter shall mark the name of the candidate in the electoral district of his or her residence in favour of whom he or she wishes to vote and confirm submitting the vote by

giving a digital signature by the certificate which enables digital signing entered on his or her identity card.

(5) The voter shall receive a message on the website stating that his or her vote has been accepted.

(6) A voter has the right to change the vote cast by electronic means:

1) by voting again using electronic means at the time prescribed in clause 44 (2)3) of this Act;

2) by voting by ballot paper from the sixth day to the fourth day before election day pursuant to the procedure established in §§ 46-49 or 51 of this Act.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

(1) Voting in custodial institutions shall be held on the days prescribed in clause 44 (2) 2) of this Act.

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

(2) The administration of a custodial institution shall submit an application for voting to be held to the division committee designated pursuant to the procedure prescribed in subsection 47 (2) of this Act.

(3) Voting shall be organised by at least two members of the division committee pursuant to the provisions of subsections 45 (4)-(6) and subsections 48 (1), (2) and (4) of this Act.

(4) Upon verification of the voting results, the votes of voters who voted at advance polls in a custodial institution shall be taken into account pursuant to the provisions of § 53 of this Act.

### **§ 52. Home voting**

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

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

(3) Home voting shall be organised by at least two members of the division committee pursuant to the provisions of subsections 45 (1), (2), (4), (5), (6) and (8) of this Act.

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

### **§ 53. Taking votes cast during advance polls outside polling division of residence into account**

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

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

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

(4) After receipt of the envelopes with ballot papers pursuant to the procedure prescribed in subsection (3) of this section, the division committee shall check that each voter is entered

in the polling list of the polling division and that he or she has not voted more than once. At least three members of a division committee must be present when ballot papers are checked.

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

(6) If the voter has voted once, a member of the 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), (5) and (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. (28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

§ 53<sup>1</sup>. Taking votes cast using electronic means into account

(1) In case several votes have been cast using electronic means (subsection 50 (6)), the vote cast last by the voter shall be taken into account.

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

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

(4) If a voter has voted both, by ballot paper and by electronic means, the ballot paper of the voter shall be taken into account. The division committee shall send a corresponding notice to the National Electoral Committee on the basis of which the National Electoral Committee shall annul the vote cast by the voter by electronic means.

(5) If a voter has voted several times outside the polling division of his or her residence and using electronic means, the envelopes which contain the voter's ballot papers and the vote cast by electronic means shall not be taken into account. The division committee shall send a corresponding notice to the National Electoral Committee on the basis of which the National Electoral Committee shall annul the vote cast by the voter by electronic means.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

## **Chapter 8**

### **Verification of Voting Results and Election Results**

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

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

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

(3) Before the ballot boxes are opened, the division committee shall use the polling lists to verify the number of voters entered in the lists and count the signatures in the polling lists given in receipt of a ballot paper to verify the number of voters who were given a ballot paper, and shall enter these numbers in a standard format record.

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

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

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

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

(7) On the basis of the ballot papers in the ballot box, the division committee shall verify the number of persons who participated in the voting, the number of invalid ballot papers and the number of votes cast for candidates, political parties and election coalitions, and shall enter these numbers in a standard format record.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

- 1) it does not bear two seals of the division committee;
- 2) no candidate registration number or more than one candidate registration number has been written on the ballot paper;
- 3) the candidate whose number is written on the ballot paper is not standing in the electoral district;
- 4) the candidate registration number written on the ballot paper has been changed;
- 5) the candidate registration number written on the ballot paper is illegible.

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

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

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

(12) Ballot papers, polling lists, records concerning voting results and any dissenting opinions of members of the committee shall be promptly delivered to the rural municipality or city electoral committee.

(13) Voting results shall be verified in a division committee in public.

#### **§ 54<sup>1</sup>. Counting of votes cast at advance polls**

(1) A division committee shall open the ballot box used for advance polls to count the votes cast at the advance polls not before 7 p.m. on election day. At least three members or alternate members of the committee shall be present at the opening.

(2) The votes cast in the advance polls shall be counted in a room separate from the polling place.

(3) The inner envelopes which contain the ballot papers of voters who voted outside the polling division of their residence shall be opened, and the ballots shall be taken into account when summaries are made concerning the results of the advance polls and they shall be kept separately from other ballot papers until a seal of the division committee is affixed to them.

(4) A summary, signed by the chairman of the committee, shall be prepared concerning the results of the advance polls.

(5) The results of the advance polls shall not be disclosed before 8 p.m.

(6) The counting of votes cast at the advance polls in a polling division shall be public. Persons who are present at the counting of votes shall follow the oral orders of the members of the division committee. Persons who are present at the counting of votes shall not bring any means of communication into the room where the votes are counted or leave the room before 8 p.m.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

#### **§ 54<sup>2</sup>. Counting of votes cast using electronic means**

(1) The National Electoral Committee shall verify the results of electronic voting on election day not before 7 p.m..

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

(3) Voting results shall be verified in the National Electoral Committee in public, taking into account the restrictions provided for in subsection 54<sup>1</sup> (6) of this Act.

(4) Voting results shall not be disclosed before 8 p.m.

(5) The National Electoral Committee shall forward the voting results promptly to the rural municipality or city election committee.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

(1) On the basis of the records received from the division committees and the voting results of voters who voted electronically, the rural municipality or city 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 candidates, political parties and election coalitions in each electoral district. The result obtained shall be checked by recounting the ballot papers.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(3) A rural municipality or city electoral committee shall prepare a standard format record concerning verification of the voting results in the rural municipality or city which shall be signed by the chairman of the committee. The date and time of preparation of the record shall be indicated therein.

(4) (Repealed - 28.06.2005 entered into force 18.09.2005 – RT I 2005, 47, 387)

(5) Voting results shall be verified in a rural municipality or city electoral committee in public.

#### **§ 56. Verification of election results in local government with one electoral district**

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

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

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

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

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

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

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(8) If a candidate of a political party or election coalition dies after the start of advance polls, the votes cast for him or her shall be retained by that political party or election coalition. If an independent candidate dies after the start of advance polls, the votes cast for him or her shall not be taken into account in the verification of the election results.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

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

(11) A rural municipality or city 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.

(12) Election results shall be verified in a rural municipality or city electoral committee in public.

## **§ 56<sup>1</sup>. Verification of election results in local government with several electoral districts**

- (1) A simple quota shall be calculated for each electoral district, which shall be obtained by dividing the number of valid votes cast in the electoral district by the number of mandates in the district.
  - (2) A candidate for whom the number of votes cast exceeds or equals the simple quota is elected.
  - (3) In the lists of candidates of those political parties or election coalitions in an electoral district whose candidates receive at least 5 per cent of the votes in a rural municipality or city, the candidates shall be ranked according to the number of votes cast for each candidate. The votes cast for candidates standing in the list of candidates of the same political party or election coalition in an electoral district shall be totalled. A political party or an election coalition shall be given as many mandates as the number of times by which the number of votes it receives in the electoral district exceeds the simple quota. Mandates obtained pursuant to subsection (2) of this section are also deemed to be mandates of a political party or election coalition. If at least two candidates receive an equal number of votes, the candidate who is further towards the top of the list of candidates in a rural municipality or city shall be elected.
  - (4) Mandates which are not distributed in electoral districts on the basis of a simple quota shall be distributed as compensation mandates between the political parties or election coalitions whose candidates collectively receive at least 5 per cent of the votes in the rural municipality or city.
  - (5) Compensation mandates shall be distributed using the d'Hondt distribution method with the distribution series of 1, 2, 3, 4 etc. In calculating the comparative figure for each political party or election coalition, as many first elements of the series shall be omitted as the number of mandates obtained by the political party or election coalition in the electoral districts. If the comparative figures of at least two political parties or election coalitions are equal, the mandate shall be received by the political party or election coalition whose candidates were positioned further toward the bottom in the consolidated list of candidates.
  - (6) Upon the distribution of mandates, the candidates who were elected in electoral districts shall be omitted.
  - (7) In the event of an equal number of votes, the candidate who is further towards the top of the submitted list shall be given a compensation mandate.
  - (8) No political party or election coalition shall be given more mandates than there are candidates in its list of candidates.
  - (9) If a candidate of a political party or election coalition dies after the start of advance polls, the votes cast for him or her shall be retained by that political party or election coalition. If the registration decision of an independent candidate is annulled or an independent candidate dies, votes cast in favour of the candidate shall not be taken into account in the verification of election results.
  - (10) A rural municipality or city electoral committee shall prepare a record concerning the election results which shall be signed by the chairman of the committee. The date and time of preparation of the record shall be indicated in the record.
  - (11) Election results shall be verified in a rural municipality or city electoral committee in public.
- (10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

## **Chapter 9**

### **Specifications for Supplementary Council Elections**

#### **§ 57. Specifications for supplementary elections**

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

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

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

(4) A new rural municipality or city electoral committee or new division committees shall not be formed for supplementary elections.

(5) In the event of supplementary elections, a total of at least fifteen days shall be provided for the nomination and registration of candidates.

(6) If there are not enough funds in the budget of a rural municipality or city to prepare and hold supplementary elections, the expenditure relating to the elections shall be covered from the state budget at the request of and to the extent indicated by the county governor. An allocation received from the state budget in order to hold supplementary elections shall be withheld from the budget of the following year of the corresponding rural municipality or city. The Government of the Republic has the right to reduce the repayable amount or to exempt the rural municipality or city from the obligation to repay.

(7) The provisions of §§ 46-51 of this Act do not apply to supplementary elections.

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

### **Specifications of elections of council of new local government during period between regular elections**

#### **§ 57<sup>1</sup>. Specifications of elections of council of new local government held during period between regular elections**

(1) In the case provided for in subsection 4 (2), of this Act the elections of the council of the new local government shall be held in accordance with this Act, taking into account the specifications provided for in this Chapter.

(2) Persons who meet the requirements prescribed in subsections 5 (1)-(4) of this Act and whose permanent residence, i.e. residence the address details of which have been entered in the population register, is located within the territory of the merging local government, may participate in voting in elections of the council of the new local government.

(3) Persons who meet the requirements prescribed in subsections 5 (5) and (6) of this Act and whose permanent residence, i.e. residence the address details of which have been entered in the population register, is located within the territory of the merging local government on the date elections are declared may stand as candidates in elections of the council of the new local government.

(4) A rural municipality or city electoral committee shall, by a resolution thereof and with the approval of the National Electoral Committee, establish the terms for acts regarding elections and publish them within three days as of the date on which the elections are declared.

(5) In the event of elections of the council of a new local government., a total of at least twenty-five days shall be provided for the nomination and registration of candidates.

(6) The provisions of §§ 47, 48 and 50 of this Act do not apply to the elections of the council of a new local government. Advance polls held outside the polling division of residence at the location of voters (§ 49) and voting in custodial institutions (§ 51) shall be held only within the territory of the merging local government. A rural municipality or city

government shall designate a division committee which shall hold voting at the location of voters or in custodial institutions.

(15.06.2006 entered into force 17.07.2006 - [RT I 2006, 32, 244](#))

## **Chapter 10**

### **Election Expenditure**

#### **§ 58. Expenditure relating to organisation of elections**

(1) Expenses which are incurred in the course of the organisation of elections by a rural municipality or city government, rural municipality or city electoral committee and division committee shall be covered from the budget of the rural municipality or city.

(2) Expenses incurred by the National Electoral Committee and county electoral committees shall be covered from the state budget.

(3) The National Electoral Committee shall prepare draft budgets of the National Electoral Committee and county electoral committees for election expenditure.

(4) The National Electoral Committee shall decide on the distribution of budget expenditure on the basis of the size of the allocations from the state budget.

(5) Expenditure relating to the registration of voters (Chapter 5) shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of Internal Affairs.

#### **§ 59. Report on financing of election campaign of political party, election coalition or independent candidate**

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(1) A political party and an election coalition shall submit a report on the expenditure relating to its election campaign and the sources of the funds used (hereinafter report) to the Riigikogu committee specified in subsection 14 (2) of the Anti-corruption Act within one month after election day. The Riigikogu committee specified in subsection 14 (2) of the Anti-corruption Act shall disclose the reports.

(2) An independent candidate shall submit a report to the rural municipality or city electoral committee within one month after election day. The rural municipality or city electoral committee shall disclose such reports.

(3) (Repealed - 12.06.2002 entered into force 18.07.2002 - RT I 2002, 57, 355)

(4) If a person who stands as a candidate in a list incurs expenditure for the election campaign separately from the campaign expenditure of a political party or election coalition, the report shall also contain information on this expenditure. The provisions concerning reports of political parties or election coalitions apply correspondingly to the specified expenditure.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(6) A report shall consist of a part relating to the sources of funds and a part relating to the expenditure.

(7) The committee specified in subsection (1) of this section has the right to demand additional documents concerning expenses incurred and sources of funds used by the persons who formed an election coalition and persons who stood as candidates in an election coalition.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

#### **§ 59<sup>1</sup>. Funds of election coalition**

(1) The activities of an election coalition shall be financed from the donations of the persons who form the election coalition, persons who stand as candidates in the list of the election coalition and other natural persons.

(2) The assignment of any goods, services, proprietary or non-proprietary rights to the persons who form an election coalition and persons who stand as candidates in an election coalition under the conditions which are not available to other persons is deemed to be a concealed donation.

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

#### **§ 60. Funds used for election campaign**

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(2) The following are the types of funds received by a political party:

- 1) membership fees established by the articles of association of the political party;
- 2) donations by natural persons;
- 3) allocations from the state budget;
- 4) income earned on the assets of the political party;
- 5) loans or credit received under the conditions provided in subsection 12<sup>1</sup> (4) of the Political Parties Act (RT I 1994, 40, 654; 1996, 37, 739; 42, 811; 1998, 59, 941; 1999, 27, 393; 2002, 21, 117; 29, 174; 42, 264; 57, 355; 102, 602; 2003, 4, 22; 90, 601).

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

(2<sup>1</sup>) The following are the types of funds received by an election coalition:

- 1) donations from natural persons;
- 2) estate;
- 3) loans;
- 4) personal funds.

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

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

(4) Anonymous and concealed donations are prohibited.

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

#### **§ 61. Expenditure relating to election campaign**

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(2) The types of expenditure are:

- 1) advertising expenses (expenses for publications, television advertising, radio advertising and advertising in newspapers and magazines shall be set out separately);
- 2) public relations expenses;

- 3) publication expenses;
- 4) transportation expenses;
- 5) rent expenses;
- 6) expenses for the organisation of public events;
- 7) communication expenses;
- 8) postal expenses;
- 9) other expenses.

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

## **Chapter 11 Complaints**

### **§ 62. Definition of complaint**

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

### **§ 63. Requirements for complaint**

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

- 1) the name of the body with which the complaint is filed;
- 2) the name, postal address and telecommunications numbers of the complainant;
- 3) information on the resolution or a description of the act against which the complaint is filed;
- 4) a clearly expressed request;
- 5) the reasons for the complaint;
- 6) the date.

(2) A complaint shall be signed by the complainant. A complaint filed by a political party or election coalition shall be signed by an authorised representative of the political party or election coalition.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(3) If a complaint is not in conformity with the requirements prescribed in subsections (1) and (2) of this section or the complaint is filed in violation of the procedure prescribed in §§ 64 and 65 of this Act, the body with which the complaint is filed may refuse to review the complaint and may return it to the complainant.

### **§ 64. Procedure for filing complaint against act of division committee or resolution or act of rural municipality or city electoral committee and for review of complaint**

(1) If an individual, a candidate, an election coalition or a political party (hereinafter interested person) finds that an act of a division committee or a resolution or act of a rural municipality or city electoral committee violates the rights thereof, the person may file a complaint with the county electoral committee.

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(2) The complaint shall be filed with the county electoral committee within three days as of the resolution or act prescribed in subsection (1) of this section being adopted or performed.

(3) The county electoral committee shall review the complaint and adopt a resolution within three working days as of receipt of the complaint. The county electoral committee shall promptly communicate the resolution to the complainant.

(4) The complaint shall be reviewed in public. The county electoral committee shall inform the complainant of the date and place of review of the complaint.

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

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

(6) If a county electoral committee satisfies the complaint, the committee may decide:

- 1) to suspend the activities of a member of a division committee or a rural municipality or city electoral committee who has violated the law;
- 2) to repeal a resolution of a rural municipality or city electoral committee or to declare an act of a division committee or a resolution or act of a rural municipality or city electoral committee unlawful and to issue a precept to the division committee, rural municipality or city electoral committee for elimination of the violation;

(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

3) 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.

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

(1) If an interested person finds that a resolution or act of a county electoral committee violates his or her rights, the person may file a complaint with the National Electoral Committee. A person whose complaint specified in subsection 64 (1) of this Act is dismissed by a county electoral committee may file a complaint with the National Electoral Committee.

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

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

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

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

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

(6) If the National Electoral Committee satisfies the complaint, the Committee may decide:

- 1) to suspend the activities of a member of a division committee, a rural municipality or city electoral committee or a county electoral committee who has violated the law;

- 2) to repeal a resolution of a rural municipality or city electoral committee or a county electoral committee or to declare an act of a division committee, a rural municipality or city electoral committee or a county electoral committee unlawful and to issue a precept to the division committee, rural municipality or city electoral committee or county electoral committee for elimination of the violation;
- 3) to declare the voting results in a polling division, electoral district, rural municipality or city invalid and to hold a repeat vote if the violation significantly affected or could have significantly affected the voting results.

#### **§ 66. Filing of complaints against resolutions or acts of electoral committees**

- (1) If an interested person finds that an act of a division committee, a resolution or act of a rural municipality or city electoral committee, a resolution or act of a county electoral committee or a resolution or act of the National Electoral Committee violates his or her rights, the person may file an appeal with the Supreme Court pursuant to the procedure prescribed in the Constitutional Review Court Procedure Act (RT I 2002, 29, 174; 2003, 4, 22; 24, 148).
- (2) An appeal against a resolution or act of an electoral committee may be filed with the Supreme Court after adjudication of the matter in the National Electoral Committee. The appeal shall be filed with the Supreme Court through the National Electoral Committee within three days as of the resolution or act of the National Electoral Committee being announced or performed.

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

- (1) If the National Electoral Committee or the Supreme Court has declared the voting results in a polling division, electoral district, rural municipality or city invalid, the National Electoral Committee shall determine a new date for the election and a repeat vote shall be held in the corresponding polling divisions, electoral districts, rural municipalities or cities. The results of council elections shall be verified after the results of the repeat vote become clear.
  - (1<sup>1</sup>) A repeat vote shall not be held, if the National Electoral Committee has declared the results of electronic voting invalid and has invited the voters who voted using electronic means to vote on election day pursuant to the procedure prescribed in § 45 or 52 of this Act. (28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))
- (2) The provisions of §§ 46-51 of this Act do not apply to a repeat vote.

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

**(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

#### **Liability**

**(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

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

- (1) Failure to submit information or materials for the organisation of elections or failure to comply with a resolution of an electoral committee is punishable by a fine of up to 20 fine units.
- (2) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 593) apply to the misdemeanours provided for in subsection (1) of this section.
- (3) Police prefectures shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in subsection (1) of this section.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

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

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

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

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

1) persons who commission advertising if the advertising commissioned by such persons violates the requirements for or restrictions on advertising established by this Act, except in the cases provided for in clauses 2) and 4) of this subsection;

2) persons who distribute or produce advertising if the distributors' or producers' activities violate the requirements for or restrictions on advertising established by this Act;

3) persons who present, exhibit or transmit advertising to the public if such persons' activities violate the restrictions on publication of advertising established by this Act;

4) publishers of advertising specified in clauses 1)–3) of this subsection solidarily if their activities violate the requirements for or restrictions on advertising established by this Act and it is not possible to ascertain their separate liability.

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

(5) Police prefectures shall conduct extra-judicial proceedings in the 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.

(09.06.2005 entered into force 10.07.2005 - [RT I 2005, 37, 281](#))

### **§ 67<sup>3</sup>. Taking ballot paper out of polling place**

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

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

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

(07.06.2006 entered into force 14.07.2006 - [RT I 2006, 30, 231](#))

## **Chapter 12**

### **Final Provisions**

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

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

(2) In the case prescribed in § 67 of this Act, the rural municipality or city electoral committee shall, by a resolution, register the elected members of the council after the repeat vote, taking into consideration the provisions of subsection (1) of this section.

(3) The election results are deemed to be declared and the authority of a member of a council shall commence on the date following the publication of the resolution of the rural municipality or city electoral committee set out in subsection (1) or (2) of this section.

(4) The authority of members of a council elected at supplementary elections or elections of council of a new local government in the case provided for in subsection 4 (2) of this Act shall terminate at the same time as the authority of members of the council elected at the time prescribed in § 2 of this Act.

(15.06.2006 entered into force 17.07.2006 - [RT I 2006, 32, 244](#))

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

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

(1) The rural municipality or city electoral committee shall register the alternate members of a council by a resolution. The rural municipality or city electoral committee shall forward the resolution to the chairman of the council.

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

(4) Unelected candidates shall be registered as alternate members for candidates who were elected on the basis of compensation mandates in the order specified in the list of the political party or election coalition in a rural municipality or city.

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

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

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(2) The table of comparative figures shall set out the comparative figures obtained for a political party or election coalition in size order, starting from the comparative figure which was the first not to be taken into account upon distribution of the list mandates (subsection 56 (5)) or upon distribution of compensation mandates in a local government with several electoral districts (subsection 56<sup>1</sup> (5)).

(10.12.2008 entered into force 17.12.2008 - [RT I 2008, 53, 293](#))

(3) If at least two comparative figures are equal, the comparative figure of the political party or election coalition which received more votes from voters shall receive a higher ranking. If the number of votes cast to political parties or election coalitions is equal, the

political party or election coalition whose candidates were positioned further toward the bottom in the consolidated list of candidates shall rank higher.  
(28.06.2005 entered into force 18.09.2005 - [RT I 2005, 47, 387](#))

§ 70<sup>1</sup>. (Repealed - 19.04.2005 entered into force 19.04.2005 - [RT III 2005, 13, 128](#))

§ 71-73 [omitted from this text]

**§ 74. Entry into force of Act**

(1) This Act enters into force on the tenth day after publication in the *Riigi Teataja*.

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

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

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

(30.07.2002 entered into force 07.08.2002 - RT I 2002, 68, 407)

(5) (Repealed - 28.06.2005 entered into force 18.09.2005 – RT I 2005, 47, 387)

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> Riigikogu = the parliament of Estonia